

Policy Options and the U.S. Withdrawal from Iraq:

An Analysis of the Way Ahead

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Policy Options and the U.S. Withdrawal from Iraq: An Analysis of the Way Ahead

It has become a cliché to remark on the overfull plate of the new administration, and certainly Iraq is a large part of that meal. Of all the seriously daunting and immediate international problems facing the newly elected U.S. President, none is more important to get his arms around quickly than the situation in Iraq. The picture is a little distorted as President Obama takes over, due to the supposed certitudes of the recently signed Status of Forces Agreement (SOFA); however, there are crucial decisions to be made, and made quickly, by the incoming American leadership.

After nearly five years of fighting—first an organized army, then a rapidly concentrated popular insurgency, overlapped with a foreign-fed extremist terror movement, and finally a vicious civil war pitting Shi'a militia groups, some actively supported by Iran, against Sunni groups—Iraq is experiencing a pronounced lull in the fighting. By this summer, violence was down in Iraq 80 percent from the previous summer.¹ As early as September 2007, General Petraeus could say in testimony to the U.S. Congress, “The military objectives of the surge are, in large measure, being met.”² A year later, retired General Barry McCaffrey returning from his most recent trip to Iraq, declared, “. . . the bottom line is a dramatic and growing momentum for economic and security stability which is unlikely to be reversible.”³ This, of course, is welcome after so much suffering by the Iraqi people and such manifest sacrifice on the part of United States and other coalition forces in that devastated country.

According to U.S. military leadership, however, the relative quiet across much of Iraq should not be misinterpreted: the job is far from done. The underlying situation remains as General Petraeus described it:

The fundamental source of the conflict in Iraq is competition among ethnic and sectarian communities for power and resources. This competition *will* take place,

¹ *Securing, Stabilizing, and Rebuilding Iraq*, GAO Report 08-21T, July 23, 2008. For an in-depth discussion of the improved security situation in Iraq see, *Measuring Stability and Security in Iraq*, U.S. Department of Defense, September 2008, which includes specific performance indicators and measures of progress toward political, security, and economic stability in Iraq. By the fall of 2008 U.S. casualties had dropped to their lowest level since the war began, with 13 U.S. soldiers killed in October 2008, most in northern Iraq where fighting continues in Mosul and where the insurgency and al Qaeda are not yet completely defeated. See Robert H. Reid, “U.S. Troop Deaths Drop To Lowest Monthly Level In War,” *Houston Chronicle*, November 1, 2008, p. 19.

² General David H. Petraeus, *Report to Congress on the Situation in Iraq*, 10-11 September 2007.

³ General Barry R. McCaffrey, USA (Ret.), *After Action Report, Visit to Iraq and Kuwait 31 October – 6 November 2008*.

and its resolution is key to producing long-term stability in the new Iraq. The question is whether the competition takes place more – or less – violently.⁴

The 44th President of the United States will take office as Iraq finds itself in a significant watershed transition, and it will be onto this shifting landscape that the new president will have an opportunity to impose his vision and his will.

Opportunities and regional consequences

On January 20, 2009, the incoming President of the United States will find the cards largely dealt for him in Iraq. Agreements concluded by the outgoing administration of President George W. Bush with the government in Baghdad will have set the stage for complete American withdrawal over the ensuing three years. It is the conclusion of this paper that the current American administration has ceded the initiative in the war to the Iraqi government of Prime Minister Nuri al-Maliki, and that if the new American President wants it back he will have to move fast to put his stamp on events.

A watershed in Iraq. The United States has begun reducing its forces in Iraq. As of last summer, the surge had run its course, and the five extra brigades were withdrawn. Again, to quote General McCaffrey: “The United States is now clearly in the end game in Iraq . . .”⁵ The SOFA, as written, marks a transition to full Iraqi control. Along with the SOFA, other factors also mark a clear transition point for the U.S. experience in Iraq:

- The greatly improved security situation on the ground in Iraq argues convincingly for a continued reduction in U.S. force presence.
- The overall commander of operations in Iraq, General Petraeus, was replaced in September 2008 by General Raymond Odierno. General Petraeus was transferred to command of the U.S. Central Command, where his strategic focus has shifted from Iraq to Afghanistan.
- U.S. Presidential elections in November 2008 heralded a change in U.S. administration after eight years, with President Barak Obama to be inaugurated in January 2009.
- The United Nations mandate under which the United States and its coalition partners have conducted security operations in Iraq since 2004 expires without extension at the end of December 2008.
- After several difficult months of negotiation, a bilateral SOFA between Iraq and the United States was ratified by the Iraqi parliament on November 27, 2008, and signed by the leaders of the two countries on December 14, 2008. This agreement replaces the UN mandate on the first of January 2009 as the legal basis for continuing the U.S. occupation.
- Iraqi provincial elections, originally scheduled for the end of 2008, are now set for January 2009. National elections are now scheduled for December 2009.

⁴ Petraeus, *Report to Congress*.

⁵ McCaffrey, *After Action Report*.

Regional consequences. It is important that Iraq, and U.S. options there, be seen in the larger context of U.S. interests in the Middle East. There is no question that the U.S. invasion and occupation of Iraq has fundamentally altered regional politics and security in the greater Middle East. It is too early now to fully assess the effects of U.S. intervention in Iraq; however, three important aspects are immediately apparent.

First, the regional distribution of power has been shifted in favor of Iran at a time when that country is already expanding its regional power as well as pursuing an inherently destabilizing quest for nuclear weaponry. The United States needs a fundamental change in its policy toward Iran. We will not end up with the Iraq we want without fixing the Iran-U.S. relationship. How we do that is not the subject of this paper, but the choices seem to revolve around tighter sanctions, pressure on Iran's trading partners, especially Russia and China, and continued efforts to isolate the regime in Tehran—or, alternatively, to completely shift our emphasis, in a rapprochement of the magnitude of Nixon's opening to China in 1973.

A second outcome of the American intervention in Iraq is that the prestige of the United States as a partner and guarantor of stability and security in the Middle East is at an all-time low. U.S. actions in Iraq have done great damage to America's reputation and credibility in the Muslim world and beyond. As part of this, the United States has done a great disservice to the image of democracy, making the promotion of open and responsive government much more difficult. Some of America's most important alliance and partnership relationships have been strained, not only in the Middle East, but internationally in general. In short, we have made significant inroads in our stores of both hard and soft power, and the near-term outcome in Iraq will go a long way toward either helping restore lost ground or further discrediting the United States and the West in general in the region.

Lastly, after nearly seven years of hard fighting in Iraq and Afghanistan, the presence of radical Takfiri Islamist groups, most particularly a resilient al Qaeda, continues to challenge the established state order across the region while targeting the United States and its interests in particular. A good case can be made that as the United States has fought the largely indigenous Iraqi insurgency to a standstill, the centralized al Qaeda organization has gained strength and increased its potential for damage to the United States from its sanctuary in Pakistan.⁶ By the same token, while the war in Iraq has claimed the lion's share of American resources and attention the fractured country of Afghanistan is the truly important frontier in the contest with Islamic radicalism.⁷ At the

⁶ As one example of this perspective, see Mark Mazzetti, "Intelligence Chief Says al Qaeda Improves Ability to Strike in U.S." *New York Times*, Thursday, November 13, 2008.

⁷ The *Afghanistan Study Group Report*, by General James Jones and Ambassador Thomas Pickering, released January 30, 2008, makes the following case: "Failure to defeat the Taliban's force and ideology in Afghanistan would also signal a strategic defeat against global extremism and contribute to the strengthening of international terrorist movements throughout the region and globally. Not only would failure to stabilize Afghanistan pave the way for a new al Qaeda safe haven in that country, it would also increase instability in Pakistan, where local Taliban and extremist groups have stepped up their own efforts to challenge the authority of the Pakistan regime. As noted in the National Intelligence Estimate released in July 2007 entitled 'The Terrorist Threat to the U.S. Homeland,' the Taliban and al Qaeda

same time, the United States is loath to leave Iraq until there is some assurance that the situation will not deteriorate behind it. If Iraq descends back into the violence of 2006 when U.S. numbers and American leverage are reduced to some critical level, it will be hard to find support for the required commitment to the Middle East regionally or to South Asia in particular.

Over-extension of U.S. Forces. In addition to these three setbacks, the American invasion and subsequent occupation of Iraq have had other negative consequences for U.S. interests in the region and in the world. The United States has much reduced its strategic opportunity to respond to emergencies elsewhere in the world due to the over-commitment of its military, in particular the ground military, to the Gulf region. The U.S. Army and marine Corps need relief from the deployment patterns of the past several years, and they need time and resources to reset their forces. The longer the United States maintains its present level of commitment in Iraq, hard pressed it will be to accomplish its goals in South Asia. There seems no question that the United States military is unable to continue its occupation of Iraq at anywhere near the current troop strength and increase the commitment to Afghanistan in any meaningful way. The deployment patterns and available battalions of soldiers and Marines do not support it. A significant reduction in commitment to Iraq will be required in order to provide the required flexibility as Afghanistan heats up. Consider the situation in Iraq had we come to the decision for a counter-offensive at the end of 2006 but found ourselves completely out of battalions for a surge.

In this paper, we explore the options available to the new President, discuss how events in Iraq are likely to affect regional U.S. interests in the Middle East, and suggest measures that might be taken to mitigate a highly dangerous and potentially very negative situation for the new Chief Executive. The new administration has not been dealt a good hand in the Middle East generally, but it is not a game the United States can afford to sit out.

U.S. overarching interests in the Middle East

Since the end of the Second World War there has been no time when the Middle East has not loomed large in America's strategic calculus of global interests. Today, if anything, concentration on the region is more intense than it has been at any time in those past decades, due to its effect on U.S. security. The region continues to situate itself in the vortex of global affairs, and is of crucial importance to the United States for several reasons.

Unrestricted access to the region's energy resources. About two-thirds of the remaining energy resources on the planet are in the Middle East, and the industrial democracies of the West, as well as our allies in Asia, depend on a constant supply of those resources. Although the United States gets relatively little of its oil from the Middle

have established safe havens within Pakistan from which they plan, organize and train for attacks in Afghanistan, Pakistan and globally.”

East (22 percent), it imports about 65 percent of the oil it consumes and the U.S. economy is directly affected by the global price of oil. Disruptions in the supply of oil from the Middle East would have a direct negative impact not only on the U.S. economy, but also on the economies of our allies and indeed on the world economy. Almost a third of the oil consumed daily by the planet comes from the Middle East. The recent spike in prices serves as a good indication of how disruptive an inordinate cost for such a vital commodity can be. A failed state in Iraq leading to a descent into violence and chaos would directly threaten the flow of oil from Iraq and potentially from neighbors who found themselves drawn into a spiraling conflict next door.

Protecting the security of the State of Israel. U.S. long-term security guarantees to the State of Israel are unquestioned; the survival of the State of Israel is in the direct national interest of the United States. American support to Israel has transcended administrations since the state's founding in 1948, and appears enduring today. To the extent that Iraq emerges from the current crisis as a unified state aligned with the United States and the West, it contributes to the security of Israel. A fractious Iraq unduly influenced by Iran could only strengthen the Iran-Syria nexus, enhancing the power of radical anti-Israel groups, such as the Lebanese Hezbollah and Hamas.

Almost a factor unto itself is the Arab-Israeli peace process, for decades a fixture of the Middle East landscape. Because of the U.S. commitment to the State of Israel, the health of the peace process is a U.S. policy objective. Today that process is effectively stalled, arrested by the weakness of post-Arafat Palestinian leadership, the rise of Hamas, the Israeli leadership weakness, Israel's intransigence on settlements, and its unilateral pursuit of the infamous wall. Regardless of how inauspicious current circumstances are for a breakthrough, the United States must be seen as actively engaged and as making a serious effort on this front as an honest broker.⁸ Unfortunately it has been some time since the United States has seriously engaged the parties in an effort to move the process forward.

Fighting and eventually defeating the international Islamic jihad. Combating the sources of international Islamic extremism has both kinetic and non-kinetic dimensions, and is made more critical because the Middle East is the "cradle" of today's militant global terrorist phenomenon. It is within the Middle East that the philosophy of the radical jihadi has the most sympathy as well as much of its financial support. The current conflict in Iraq has drawn in radical Islamic elements associated with al Qaeda, and for several months in 2006 and 2007 the al Qaeda in Iraq (AQI) was a significant opponent of the U.S. and Iraqi Security Forces (ISF). A stable, successful Iraq inhospitable to Islamic radicals will be an essential ally in the fight against the international jihadis. As a larger issue in combating extremism, the United States needs to find ways of engaging with the Middle East region that will reduce the tendencies toward anti-U.S. violence.

⁸ The role of honest broker cuts both ways, and we must also be seen as not unduly influenced by our long-standing commitment to the security of the State of Israel.

Preventing the rise of a regional hegemon with an agenda inimical to the United States. It is important that no regional power with objectives inimical to the United States rise to the status of hegemon in the Middle East region. Our access to the region and ability to project power into it are essential to protecting the free flow of oil and defending the State of Israel. In this respect, Iran is today the only state that comes close to being a regional threat to U.S. dominance. Iran, however, is not a strategic or existential threat to the United States. Through its support for the radical anti-modern terrorist agenda, Iran is a spoiler – of globalization, progress, and cohesive modernism. A weak Iraq under the regressive influence of Iran would be contrary to U.S. interests and destabilizing for the region.

Preventing the proliferation of WMD and other highly lethal weapons. The United States has an interest in preventing proliferation of weapons of mass destruction—especially nuclear weapons, but also highly lethal and sophisticated weapons in general. Today the threat of a general scramble for nuclear weapons hangs over the region. Israel has undeclared nuclear weapons, Pakistan is avowedly nuclear, and a number of countries are actively pursuing nuclear technology for energy. Iran is apparently in a long-term project to develop a nuclear weapon. Syria initiated a nuclear research program, which was subsequently curtailed by Israel's military preemption. If Iran is successful, there is likely to be a general proliferation race across the region. The nexus of terrorism and rogue states with WMD is a significant threat, not just to U.S. Middle East interests, but also to the global order generally. A stable Iraq, aligned with the West in its confrontation with the Salafi jihadis, would directly support U.S. interests.

Promotion of democracy. It is in the U.S. interest to promote – not sell, coerce, or export – democracy, and to support and back movements and efforts in the direction of more open, transparent, and popular governmental processes in the countries of the region. Where democratic states predominate (such as in Western Europe), there is less warfare, instability, disruption in trade, and interruption to the flow of vital resources. In short, in democratic neighborhoods United States and Western vital interests are more protected. Also, given the vital importance of soft power to our global standing, the U.S. image as the preeminent liberal democratic state requires the promotion of democracy as a core U.S. interest. To the extent that Iraq can emerge from its current crisis as a unified state with a responsive government of open institutions, answerable and responsive to its people, it will promote this U.S. interest.

What's going on in the Middle East today?

Social and economic malaise. Social scientists and long-time observers of the Arab world are increasingly convinced that much of the Middle East currently appears stuck in a social and economic malaise.⁹ Today this sense of drift and hopelessness is most

⁹ An example of informed observer is Dr. Marina Ottaway, Director, Middle East Program at the Carnegie Endowment. Dr. Ottaway specializes in democracy and post-conflict reconstruction issues, with special focus on problems of political transformation in the Middle East and reconstruction in Iraq and Afghanistan. The comments on social malaise in the Arab world are taken from a lecture by Dr. Ottaway

evident in the large Arab countries without oil revenues—most predominantly Egypt, but also Morocco, and certainly Syria and Jordan. These countries are not on the verge of collapse, but there is widespread under-employment, little capital investment, and a sense of economic stagnation across the entire region. Even in the Gulf, where the economic boom of oil revenues and off-shore capital investment is evident, there is a sense of purposelessness among ordinary people. Foreigners do all the work and the Arab in the street has little sense that any of the tall buildings and throngs of outsiders have anything to do with him.

Marina Ottaway and other close observers of the region do not think that the frustration they sense in these countries is the stuff of revolution. Paradoxically, in fact, the movements which have a political dynamic have turned out to have little real effect on the region's entrenched governments. In the 1980s the Islamic reform party won 20 percent of the seats in the Egyptian parliament and people thought that change was just around the corner, but nothing happened. Today the Muslim Brotherhood has little political influence in Egypt; their voices have been drowned out by those of the disorganized radicals. From this perspective, the secular opposition appears no better—it is bereft of ideas, and going nowhere in the general Arab malaise. Governments such as Mubarak's in Egypt pander to the Islamic purists in an attempt to shore up their ever-weak legitimacy, turning many social issues over to the religious extremists in and at the margins of the government. This effectively crowds out the center, making it harder for moderate Islam to have a voice.¹⁰ Ordinary Arabs, caught in the disappointments of stagnant societies and failed governments, are turning to Islam. They do not represent the Islam of the organized global jihad; they are simply ordinary Arabs cleaving to the fundamental tenets of their faith in uncertain and difficult times. The resurgence of Islam does, however, make it easier for truly radical groups such as al Qaeda, to operate, live, and even flourish in the region.

In short, Dr. Ottaway and others like her do not think that the Islamic movement has yet run its course—far from it. We will see more movement in the direction of fundamentalist solutions and more of the internal strife this causes. In a sense these countries are groping, trying to decide what kind of societies they want to be, what relationship they seek with their governments, and how central a role Islam will play in both. Meanwhile, governments across the region, from dictator “presidents” to kings and emirs, all know that something fundamental is wrong. They know that they have to

at George Washington University in Washington, DC on September 13, 2008. Dr. Ottaway is not unique in her conclusions about the social stagnation across the Arab world today. An indigenous commentary on the same phenomenon is at Samir Kassir, *Thoughts on the Arab Malaise*, published in French as *Considerations sur le malheur Arabe* (Paris: Actes Sud, 2004). Translated and published by Dār al-Nahār, in November 2005.

¹⁰ Two important scholars who have written extensively on the subject of Islam and the problems facing the modern Middle East are Olivier Roy and Gilles Kepel. Roy's 1994 classic, *The Failure of Political Islam* (Cambridge: I.B. Tauris & Co. Ltd, 1994), written prior to the emergence of al Qaeda and the global jihad, remains valid today. Roy's later book, *Globalized Islam: The Search for a New Ummah* (New York: Columbia University Press, 2004) updates his previous work and provides perspective on the modern Arab dilemma. Kepel's *The War for Muslim Minds: Islam and the West* (Cambridge: Harvard University Press, 2004) provides insights into the clash of religious and cultural perspectives between the seemingly stagnant Arab world and the West.

change, but they resist change and the accompanying threat to their position. We see the King of Saudi Arabia, aware of the potential for chaos, taking baby steps with his Majlis al-Shura while pandering to the Wahhabis. Even in such a country as Jordan, where the king seems to have a legitimate sense of vision for his country, the institutional barriers are significant, made worse by the turmoil in Iraq and the endless conflict between the Palestinians and the Israelis.

Passed over by globalization. The concept of Arab malaise resonates with the idea that the integrated global benefits of modernism are passing the Middle East by. Globalization—the growing interconnectedness of the nations and economies of the world as reflected in increased flows of information, technology, capital, goods, services and people throughout the globe—has been described as “an overarching mega-trend, a force so ubiquitous that it will substantially shape all the other trends in the world of 2020.”¹¹ As part of this trend, the world economy is expected to continue to grow, with per capita incomes rising generally and most countries benefiting from the increased global integration.¹²

Unfortunately, it appears the spread of globalization across the planet will not be even. There are already “haves” and “have-nots,” based essentially on how well countries access and adopt new technologies, the universal availability of which is one of the characteristics of globalization. The Middle East lies in the heart of what has been described as the “non-integrating gap,” where the connectivity that fuels globalization is weakest and the benefits of global information and technology flows are least evident.¹³ This means that the Middle East region is among the least likely to benefit from the global economic growth attributed to the integrating effects of globalization. The economic stagnation, unemployment, and general technological backwardness of much of the Middle East are sources of both social instability and the religious fervor that fuels Islamic radicalism.

Generational change. Taking an overarching strategic view of the region, it has been argued that the Middle East is in the midst of generational change as the discredited secular dictatorships of the post-colonial past cling to power in the face of a rising tide of opposition from a combination of the Islamists and a collection of secular and, in some states modestly democratic opponents.¹⁴ The generational challenge to the established but discredited ruling elites by a varied collection of nationalists and Islamic fundamentalists is almost universally consistent across the Middle East today.¹⁵ Primarily it is the Islamists that are most active in challenging the established order. As the social scientists observe, the sense of listlessness and drift, of estrangement from the power structures of

¹¹ See *Mapping the Global Future*, the Report of the National Intelligence Council’s 2020 Project, December 2004.

¹² The current setback sparked by the American banking and mortgage crisis notwithstanding.

¹³ See Thomas P.M. Barnett, *The Pentagon’s New Map: War and Peace in the Twenty-First Century* (G.P. Putnam’s Sons: New York, 2004).

¹⁴ James A. Russell, *Regional Threats and Security Strategy: the Troubling Case of Today’s Middle East*, U.S. Army War College’s Strategic Studies Institute, November 2007.

¹⁵ This point was made repeatedly in discussions that the author had with Middle East experts at Chatham House in London in July 2007.

government, impels the normally observant Muslim Arab to seek refuge in a more fundamentalist interpretation of his religion. This of course feeds into the increasingly obvious strain of Islamic fundamentalism that is prevalent across the region and has been for at least the last 20 years. The popularity of Islamic movements is clearly increasing.

The U.S. versus Iran. Adding to the religious fervor across the region, the mistrust between Shi'a and Sunni has been reawakened and reinvigorated by the U.S. invasion and occupation of Iraq. Among other things, the United States has upset the longstanding Sunni buffer between Shi'a Iran and the Arab world, upsetting the balance and fundamentally altering the security dilemma.¹⁶ Arab push-back against Persian expansion dates back to the Ottomans and before. Today there is only one conflict in the Middle East region from this perspective – the United States versus Iran. In this construct, the United States represents Western modernism and increased integration into the globalized international future. In contrast, Iran represents the opposite: regression, Islamic radicalism, and anti-modern fundamentalism.¹⁷

From the perspective of such a fight, a U.S. defeat in Iraq would make everything harder. If the United States is eventually seen to fail in Iraq, leaving behind an Iran-dominated, sectarian, corrupt and autocratic Shi'a government, the whole region will shift in the direction of the winners, encouraging terrorists and supporting the agenda of the extremists. In this way, the token Hezbollah "victory" in Lebanon in the summer of 2006 made the U.S. agenda in Iraq and the region much harder to achieve. Iran sees the entire board as one game: all of these engagements between the radicals and the forces of modernity epitomized by the United States are part of the same contest.

Limited Choices for the next administration

During this year's Presidential election campaign, the debate in Washington, DC, if not across the entire country, about future courses of action in Iraq became simplified into "stay" or "go." Those in favor of extended U.S. presence spoke in terms of "staying the course," not leaving in a peremptory or irresponsible manner, keeping America's hand on the tiller until the course was truly set, and so forth. This perspective assumed that the security situation is not yet self-sustaining, and that without U.S. presence and support Iraq is likely to fall apart like a house of cards. Timetables have been difficult and largely avoided by both sides in this debate, but the stay-the-course advocates talked in terms of many years.¹⁸

Opponents of prolonging U.S. presence on the other hand referred to its great cost and the need to keep faith with the expressed desires of the American people. In this narrative, the reduction in violence has carved out a tenuous security opening in Iraq:

¹⁶ Interview with Yahia Said at the London School of Economics, October 7, 2008.

¹⁷ This is ironic in that the population of Iran is among the more secular and modernistic in the Middle East.

¹⁸ Probably the great exception to this was the presidential candidate, Senator Obama, who always promised to end the war in the shortest time possible, with all combat forces withdrawn within 16 months of his inauguration.

however, those gains are not sustainable without satisfactory progress toward national reconciliation, for which the Iraqis need the incentive of a U.S. date certain for departure. Moreover, continued large-scale U.S. presence in Iraq has allowed Iraq's warring factions to stall on making the tough choices that they would have to make if faced with a timetable for U.S. withdrawal. Our departure will also promote the legitimacy of the current Government of Iraq, helping to draw dissidents into the political process which they now reject on the basis of Prime Minister Nuri al-Maliki being a puppet of the Americans. Lastly, by this view, U.S. withdrawal is necessary to induce Iraq's neighbors to participate in a regional security framework based on supporting the sovereignty and legitimacy of the Iraqi government.

Today's decisions constrain tomorrow's choices. Meanwhile, the situation on the ground in Iraq has moved forward dramatically in the short time since the November Presidential elections in the United States. The recent acceptance of the hard-fought Status of Forces Agreement by the Iraqi Parliament, and its subsequent signing by President Bush and Prime Minister Maliki ostensibly constrain the options available to a new American administration in January 2009. The SOFA is discussed in detail in appendix A; however, the bottom line for the U.S. occupation is the mandate that all troops leave the country by the end of 2011. If the new American President accepts the SOFA, it will give him three years to continue working with the Iraqi government while steadily reducing U.S. presence. Current U.S. policy in Iraq has also included unqualified support to the Shi'a government in Baghdad—a level of support which is manifest in the concessions made by the American side to arrive at the SOFA as it is currently worded.

One alternative to accepting the agreement negotiated by his predecessor is for the new president to take the initiative by electing to carry out a more rapid withdrawal. Under the timetable made public by President-elect Obama during the recent presidential campaign U.S. combat forces would be removed in 16 months, making early June 2010 the target date for the end of the combat capable part of the U.S. occupation.¹⁹ There is much more to say about these two alternatives, and the situation has become much more complicated than “stay or go,” as we will discuss.

An analysis of the way ahead in Iraq

The unacceptability of failure. The current administration concluded some time ago that the United States cannot afford to fail in Iraq – or to be seen as having failed in Iraq. In his speech at the National Defense University (NDU) on September 29, 2008, Secretary of Defense Robert Gates warned against even the impression of failure in either Iraq or Afghanistan: “To be blunt, to fail – or to be seen to fail – in either Iraq or Afghanistan would be a disastrous blow to our credibility, both among our friends and

¹⁹ For all intents and purposes, once American combat forces are withdrawn from Iraq, the U.S. ability to influence the course of events on the ground in Iraq is over and the Iraqi Security Forces are essentially on their own to maintain security and stability as the political process toward full reconciliation runs its course.

allies and among potential adversaries.”²⁰ With regard to U.S. presence the Secretary went on to say, “In Iraq the number of U.S. combat units in country will decline over time. About the only argument you hear now is about the pacing of the drawdown. Still, no matter who is elected president in November, there will continue to be some kind of American advisory and counter-terrorism effort in Iraq for years to come.”²¹

There are good reasons for the unacceptability of U.S. failure in Iraq. Failure doesn’t work because of all the blood and treasure the United States has expended in Iraq, and because of the direct damage to U.S. regional interests that would result from failure. Equally important, as Secretary Gates points out, is the serious blow to American prestige and influence that would ensue from failure. As mentioned earlier, American prestige and influence are not in the ascendency just now—far from it—but leaving Iraq in ruins would make them much worse at a time when so much of what the United States seeks to accomplish in the region depends on rebuilding this country’s diminished stature and influence. Reinvigorating the Palestinian-Israeli peace process is just one example. Other examples are American’s efforts to prevent Iran from continuing its pursuit of nuclear weaponry, and, as mentioned earlier, the continued United States and NATO operation in Afghanistan. Indeed, unless U.S. prestige is renovated, much of what this country seeks to do in the larger Middle East will not be possible. For all of these reasons, the cost of failure would be high indeed.

The imperative of U.S. presence. The overriding assumption of those favoring prolonged U.S. presence in Iraq is that success, as we have defined it, requires continued U.S. presence at a robust troop strength at least through the next several years. The agreement just signed allows for three more years of U.S. presence, albeit at steadily decreasing strength levels.²² Familiar admonitions, first from General Petraeus, now from General Odierno, and consistently from Ambassador Crocker, about progress in

²⁰ Speech by Secretary of Defense Robert M. Gates at the National Defense University, Washington, DC, September 29, 2008.

²¹ For some perspective on the concept of years of U.S. counter-terrorist operations in Iraq, when the author visited the U.S. SOF operation in Balad, Iraq, in the summer of 2007, the leadership on the ground was adamant that, to be successful, the ongoing interdiction effort against AQI and the radical militias required the wide infrastructure of the conventional U.S. footprint on the ground throughout Iraq. Without that robust base structure and force level U.S. forces could not sustain the intelligence, surveillance, and support that made the nightly raids possible. Nor could the counter terrorist effort be maintained in Iraq from any neighboring country absent the force posture inside Iraq. There is another assumption in Secretary Gates’ comments: that after the security situation is stabilized, the Government of Iraq will accept a sizable foreign military presence for years to come, whether in the form of advisors, trainers, or reaction forces. Virtually every regional expert with whom we spoke in preparing this report said otherwise. The unified position was that Iraqi nationalism will not admit a long-term foreign military presence in the country. There are clear signs today of a growing popular rejection of continued foreign occupation. This has been especially evident in the popular commotion in Iraq attendant to the debate over the recently approved SOFA.

²² There is something of an anomaly in the fact that, after literally years of refusing to budge on setting a date certain for U.S. withdrawal, President George Bush has now signed an agreement accepting just that: a hard three-year timetable for complete U.S. withdrawal from Iraq.

Iraq being reversible and today's security gains being fragile imply that maintaining the gains to date requires a significant and extended U.S. presence.²³

The departing commander of the Multinational Division in Baghdad made the role of U.S. forces in Baghdad clear as he left Iraq at the end of 2007: "There's no question that though the incidents of violence are down significantly here, they're down because we have a force presence that is almost throughout the city."²⁴ As described by one long-time observer of the situation in Iraq, "Americans are the strongest tribe."²⁵ From this perspective, in one way or another today's relative calm in Iraq is due in large part to the 800 lb American gorilla in the corner.²⁶

Other reasons for the quiet. It seems clear that the surge and the U.S. force presence in Iraq in general have contributed to the welcome lull in the fighting; however, there are other, tangible causes of the current relative quiet as well. These include the "awakening" movement that began in Anbar, the eventual separation of Sunnis and Shi'a in large tracts of Baghdad, the self-imposed cease-fire among the Shi'a militias, and the integration of many of these militia elements into an increasingly confident ISF. Also important are the heavy Sunni losses in the 2006 "Battle of Baghdad," and Maliki's defeat of the Sadr militia forces and the Fadila in Basra early in 2008.

Another important cause of the lull is a general sense of exhaustion across the country. Not only are Iraqis exhausted from the fighting and the chaos of the last four years, but there is a distinct backlash against forces of extremism in general, which is forcing ordinary politicians to distance themselves from the rhetoric of violence and radical change.²⁷ It is important to note that to the extent the security success in Iraq is

²³ This point was made repeatedly in both the April and September 2008 sessions in which General Petraeus and Ambassador Crocker testified before the U.S. Congress on progress in Iraq. Note that since returning from Iraq and assuming command of U.S. Central Command, General Petraeus has portrayed a slightly more durable security situation in Iraq than he did while on the ground in Baghdad. In a speech to the Association of the U.S. Army on October 7, 2008 Petraeus stressed that stability remained fragile in Iraq, but added, "But I have to say that the fragility is less, and with each passing day there is a little bit less of that fragility as progress takes on a slightly more enduring nature." See David Morgan, *Petraeus Sees Increasingly Durable Gains in Iraq*, Reuters.com, October 7, 2008. See also the comments Petraeus made in an October 14, 2008, extended interview with Salena Zito and Carl Prine of the *Pittsburgh Tribune-Review*. In that interview General Petraeus was ready to say of the overall situation in Iraq, "Well, again, there will be plenty of emotion and tension and challenges and difficulties and recriminations and arguments and everything else. But, actually, so far, it's coming along. And that's what's going to be the way to go forward. The important feature of the situation today is that there's more shouting than shooting."

²⁴ Department of Defense News Briefing, December 17, 2007, by MG Joseph Fil, Commander Multinational Division Baghdad and 1st Cavalry Division Commander.

²⁵ See Francis J. West, *The Strongest Tribe* (New York: Random House, 2008).

²⁶ The aspect of relativity in the current security situation is illustrated by a recent report out of Mansour, a Sunni neighborhood in western Baghdad, which describes ordinary people moving around the city, shopping and remarking on the great change in their city from over a year ago, all in spite of a sniper on nearby rooftops who had killed half a dozen Iraqi soldiers in the preceding week. See Liz Sly, "Iraq Smolders Even As It Cools As Voter Issue," *Chicago Tribune*, November 2, 2008.

²⁷ Yahia Khairi Said, *Political Dynamics in Iraq within the Context of the Surge*, Submission to the U.S. Senate's Foreign Relations Committee Hearing on April 2, 2008. This point was also made by Toby

not due solely to the surge and the presence of additional U.S. troops in the country, it is a good thing. It means that these other factors have been at least equally responsible for the current cease-fire, and these are things that will continue in effect when U.S. forces have begun drawing down in earnest.

Important as these other developments are, however, the consensus of the experts, certainly of our military leadership in Baghdad and Tampa, remains that for now absent the gorilla, the situation reverts to a political free-for-all with the potential for the competition among ethnic and sectarian communities for power and resources to turn violent. This would mean that what we essentially have now is a temporary truce between all the factions still vying for political power and control in Iraq. To the extent that this truce is underwritten by the U.S. military, the operative question is, How long does the American gorilla have to stay, and at what point can we make do with a smaller referee? Are the three years stipulated in the just-approved SOFA enough time?

The U.S. clock is ticking. As 2009 unfolds, U.S. military leaders in Baghdad have made it clear that continued security will require strong over-watch of the situation on the ground during that year. Beyond 2009, to be sure of success, the gorilla would have to stay until the security gains become self-sustaining and the political reconciliation measures take root in the fabric of the society. How long would that take? A recent analysis from RAND makes the point that true reconciliation in Iraq is at least a generation away. At the national level, the upper leaders who control the levers of large-scale violence have not yet begun to reconcile and may not do so for years to come.²⁸ Even the most optimistic assessment of political progress in Iraq concedes that in spite of security improvements, reconciliation successes have been spotty and real progress elusive. U.S. presence is also important for the purpose of standing with the ISF when the Iran-backed special groups and anti-government Shi'a militias regroup with Iranian support and again confront the nascent Iraqi state.²⁹

It appears that while U.S. forces have been important in stopping the violence, they are less useful in forcing the essential reconciliation that has to come before stability can be assured. Certainly the surge appears to represent the maximum gains achievable by military means alone. Besides quelling the violence, there is the whole issue of capacity building, which is much of what the U.S. presence in Iraq is all about. This refers not just to capacity in the ISF, meaning a more capable and professional Iraqi army and police force, but capacity in the government as well. Saddam destroyed the mechanisms of the government bureaucracy, which will take time to rebuild. All of this raises the question, Why did the United States agree to a timetable mandating withdrawal in such a relatively short time period after so many months of refusing to entertain any

Dodge during our discussions with him in London in October 2008. Iraqis across the country are simply exhausted.

²⁸ Terrence K. Kelly, the RAND Corporation, *An Iraqi Modus Vivendi: How Would It Come About and What Would It Look Like?* Testimony presented before the Senate Foreign Relations Committee on April 3, 2008.

²⁹ Special Groups are extremist cells breaking off from the Sadrist Mahdi Army and the JAM militia. They are supported by Iran with weapons and training, and confront both the coalition and the Maliki government.

such artificial limits to the occupation? SOFA negotiations were of course closed, but it is fair to assume that this was the best deal the American side could get from an invigorated Maliki regime.

Clearly, if it is going to take a generation to achieve lasting political reconciliation in Iraq, the outside parameters of the new SOFA are not enough. For the reasons cited above – U.S. military over-extension, priorities in Afghanistan, regional antipathy, local resentment – the U.S. occupation of Iraq has a limited shelf life.

Is the Maliki government part of the problem? A key factor for lasting success in Iraq is the willingness of the government of Prime Minister Nuri al-Maliki to make the difficult choices of compromise and to do the right things on the road to real political reconciliation. There is some controversy as to just how far Iraq has come on the road to political recovery. By all accounts, however, including the testimony of General Petraeus prior to his leaving the Baghdad command, progress toward actual political reconciliation has been erratic, partial, and incomplete at best. A recent Congressional Research Service report on politics and elections in Iraq stated, “Iraq’s political system, the result of a U.S.-supported election process, continues to be riven by sectarianism and ethnic and factional fighting.”³⁰ Meanwhile the levels of corruption in the Baghdad government raise questions about our continued unalloyed support, even for the three years stipulated in the SOFA.³¹ According to Robert E. Looney:

Indexes of corruption compiled by the World Bank and Transparency International suggest that Iraq is one of the world’s most corrupt countries. While corruption thrived under Saddam Hussein, it has worsened further in the post-Saddam era.³²

One obstacle in leveraging the Maliki government to make the compromises necessary to fight corruption and bring the requisite pressure to bear toward national reconciliation has been the unwavering support of the U.S. President to the Prime Minister. In her generous account of the surge and General Petraeus’ strenuous efforts to marry political progress with military successes, Linda Robinson has the following to say:

Petraeus and Crocker’s efforts were handicapped by the White House in two critical respects. President Bush was not disposed to issue Maliki anything approaching an ultimatum. Moreover, that the president continued to hold biweekly video teleconferences with Maliki reduced the impact of any other U.S. officials’ urgings – and indeed his own. By establishing such routine contact, the

³⁰ Kenneth Katzman, *Iraq: Politics, Elections, and Benchmarks*, CRS Report for Congress, September 25, 2008.

³¹ The Quarterly Report to the United States Congress by the Special Inspector General for Iraq Reconstruction, dated October 30, 2008, states, “Corruption afflicted Iraq for decades before the 2003 invasion, and it has continued to do so since, amounting to a ‘second insurgency,’”

³² Robert E. Looney, “Reconstruction and Peacebuilding Under Extreme Adversity: The Problem of Pervasive Corruption in Iraq,” *International Peacekeeping*, 15:3, 424-440, 01 June 2008.

administration had devalued a major diplomatic tool. Bush's routine presidential contact produced no significant breakthrough.³³

Thus President Bush undercut General Petraeus' efforts to get Maliki to move forward on critical legislation. Maliki knew that when the chips were down the U.S. President would support him completely.³⁴ Now, with American troop-based leverage waning under the stipulations of the SOFA, it will be even harder to get Maliki to make the tough compromises. The obvious danger is that the Iraqi leader will use his power and the remaining prestige and support of the United States to his own political advantage, maneuvering for position now, while he has at least the nominal backing of this country, toward the day when he will have to go it on his own. On this subject, Toby Dodge had the following to say:

From 2007 onward, Maliki has centralized an increasing degree of executive power in his own hands by circumventing the formal institutional structures of government, including the cabinet and the ministries, which are dominated by the larger political parties.³⁵

Following the invasion, the UN ended sanctions on Iraq and transferred to the United States responsibility for oil profits and their dispersal in Iraq. In June 2004, authority for use of Iraq development fund monies passed to the transitional government of sovereign Iraq. Oil revenues continued to replenish those funds. Due to rising oil prices and inefficiency in executing its budget, the Iraqi government is estimated to have a surplus of somewhere between \$30 billion and \$50 billion at the end of 2008.³⁶ Given the rampant and universally acknowledged corruption in the Iraqi government, it is safe to assume that a good deal of this money has gone into the pockets of Iraqi politicians. In contrast to these surpluses, the Iraqi government has just reduced its 2009 budget for basic infrastructure repairs, citing the sudden fall in oil prices for lack of sufficient funds.³⁷

The continued failure of a corrupt Maliki government to provide essential services is itself a significant obstacle to political reconciliation. Recently General Petraeus' relief in Baghdad, General Odierno, made the following statement:

Clearly we have improved security. However, to make it more durable there's a few things we have to do. One is we have to continue to get a national vision. Iraqis have to have a national vision and then have to have more political

³³ Linda Robinson, *Tell Me How This Ends: General David Petraeus and the Search for a Way Out of Iraq* (New York: PublicAffairs, 2008).

³⁴ This point is also made in George Packer, *The Assassin's Gate* (New York: Farrar, Straus and Giroux, 2005), which has much to say on the close relationship between Washington, DC, and the ruling elite in Baghdad.

³⁵ Toby Dodge, "Iraq and the Next American President," *Survival*, October – November 2008. It is instructive that even as we claim to understand the imperative to succeed in Iraq, we allow a selfish, ethno-sectarian leader to make decisions in his party's behalf that lead in the direction of failure.

³⁶ See CRS Report RL31833.

³⁷ Suadad al-Salhy, "Iraq and U.S. Confer On Iraqi Economy," *New York Times*, November 2, 2008.

accommodation across the board. . . . The Iraqi government has to be able to deliver consistent services. . . . Electricity is probably the most important. They're working toward this, but if they don't do this the citizens over time will potentially start to move against the government if they have to wait too much longer for services or if they don't see progress in services.³⁸

Perceptions of ineptness. It is important that the central government give the average Iraqi a sense of normalcy, which happens when essential services become routine and the government can provide employment. Between 2005 and 2007 Iraq spent only 24 percent of the money budgeted for reconstruction, and the central ministries spent only 11 percent of their capital expenditure budgets in 2007.³⁹ It is difficult for the Sunnis in such a province as Anbar to believe that the Shi'a government seriously intends to pass oil revenue sharing legislation or otherwise equitably develop and share the country's resources when so little money is currently making its way out of Baghdad in spite of the windfalls of high oil prices. This, coupled with chronic unemployment among Iraq's young men, is a recipe for further instability.

At present, the key internal actors in Iraq find their interests served by a truce. U.S. officials describe the current cease-fire as tentative, shaky, and vulnerable—yet the Maliki government makes half-hearted or only partial steps toward shoring up that structure. There is evidence to suggest that the ruling parties, including Maliki and the Dawa, are capitalizing on the results of the surge, taking credit and suggesting that the security situation today is somehow a result of their policies.⁴⁰ For today's security successes in Iraq to be self-sustaining, the various initiatives that have gotten us this far (many of them bottom-up measures) need to be consolidated and given some government-recognized coherence, and even resources where that would make sense.

Right now what's happening is that each of the separate factions is using the cease-fire to consolidate its position and its power base while looking forward to the departure of the Americans. This scramble for power and influence has the perverse effect of accentuating the antipathy of the Shi'a political factions toward the continuing presence of the Americans—one factor that has made the negotiation of the status of forces so divisive. The parties at the top are consolidating their power and making little effort to be inclusive or to make the necessary compromises for long-term stability and government legitimacy. Unfortunately, this appears to be true of Prime Minister Maliki himself.⁴¹

³⁸ Jim Michaels, "General Says Iraq Must Boost Its Essential Services," *USA Today*, September 30, 2008.

³⁹ These are measures of government capacity and they translate directly into a continuing failure to provide basic services to the people of Iraq. See GAO Report 08-837, June 2008. Long-time Iraq observer Daniel Korski at the European Council on Foreign Relations estimates that less than 20 percent of all the money sent to the provinces from Baghdad is ever actually spent, due to a combination of lack of capacity and corruption.

⁴⁰ Yahia Said, *Political Dynamics in Iraq*.

⁴¹ See Wayne White, "Iraq: Dark Shadows of Things to Come," *The Middle East Institute*, April 03, 2008; also, Peter W. Galbraith, "Is this Victory?" *The New York Review of Books*, Vol. 55, No. 16, October 23, 2008.

The definition of success. Since it is now clear from the recently negotiated SOFA that several years at or near current strength levels is not in the cards, is it possible to somehow adjust the definition of success to meet the imperatives of what's possible on the ground in the time remaining? Can the inevitable departure, whether it is three years or 16 months in the future, be orchestrated to maximize the chances of meeting reasonable goals for Iraq? Answering this question requires a clear-eyed understanding of just what U.S. interests in Iraq are. Ambassador Ryan Crocker is now on record as admitting, "You're not going to get the shining city on the hill here any time soon. It's ridiculous to expect that. You just have to chip away at it, an issue at a time."⁴² The leverage to chip away at the problems comes from an overwhelming American force of arms in the country. That leverage is already dissipating, making maximalist objectives even harder to achieve.

Defining U.S. interests in Iraq is in some ways like trying to hit a moving target. The administration has evolved its rhetoric on the desired end state in Iraq over time. In January 2007 the President was still explicit about democracy in Iraq, saying that victory in Iraq would bring "something new in the Arab world – a functioning democracy that polices its territory, upholds the rule of law, respects fundamental human liberties, and answers to its people."⁴³ By contrast, in one of the President's latest statements on Iraq, the reference to democracy is missing. Earlier this year President Bush said that our efforts are aimed at a clear goal: "a free Iraq that can protect its people, support itself economically, and take charge of its own political affairs."⁴⁴ The September 2008 DoD report to the Congress returned to democracy, stating, "The strategic goal of the United States in Iraq remains a unified, democratic, and federal Iraq that can govern, defend, and sustain itself and is an ally in the war on terror." In his latest report on the situation in Iraq, retired General Barry McCaffrey cited the following as bottom-line U.S. end-state objectives:

- The withdrawal of the majority of our US ground combat forces in the coming 36 months
- Leaving behind an operative civil state and effective Iraqi security forces
- An Iraqi state which is not in open civil war among the Shi'a, the Sunnis, and the Kurds
- And an Iraqi nation which is not at war with its six neighboring states.⁴⁵

At a minimum, the United States has an interest in a stable Iraq that does not threaten America's fundamental interests in the region. These interests include stability in the Gulf region that allows for the unimpeded flow of oil resources. They include an Iraq that does not in some way support or enhance the spread and strength of the international Islamic terrorists endemic to the Middle East. They also include an Iraq that is at least not an active obstruction to the quest for a lasting peace between Israel and the Palestinians. To the extent that the United States seeks to prevent the rise of a single

⁴² Tina Susman, "U.S. blames Iran for delay in Iraq pact," *Los Angeles Times*, September 26, 2008.

⁴³ Presidential address to the nation from the White House on January 10, 2007.

⁴⁴ Presidential address from the White House on April 10, 2008.

⁴⁵ General Barry R. McCaffrey, *After Action Report*.

hegemon in the region with objectives inimical to America's, undue Iranian influence in Iraq would run counter to our fundamental interests.

In short, an independent Iraq with a secular government is in America's interest. Less critical, but still important, is just what kind of government that is. The United States has an interest in promoting the spread of open, transparent governments answerable to their people, and, in that respect, would greatly favor a democracy in Iraq. Certainly anything approaching extremist Islamic rule in Iraq would be directly counter to U.S. interests. Having said that, if Iraq is stable, is free from undue Iranian influence, and gives a cold shoulder to al Qaeda, we will not put too fine a point on the kind of government we want in Iraq.

The inevitability of Iran. Increasingly the end game in Iraq seems tied to the standoff between Iran and the United States. It is more and more difficult to see a successful outcome for the United States in Iraq without a substantive breakthrough in the conflict with Iran. Iran will have influence on a Shi'a government in Iraq; there is nothing we can do to prevent that. This would be true even if we had not elevated to power in Iraq a Shi'a party with longstanding ties to Tehran. What we do not want is an Iraqi government in the service of Tehran. The more extreme a Shi'a regime Baghdad has, the more likely it is to be unduly influenced by Iran.

Iranian influence on Iraq is not new. There are longstanding close ties between Iran and most Shi'a communities in Iraq; several officials high in the Iranian government were actually born in Iraq.⁴⁶ The Iranian Revolutionary Guards organized the Badr Brigade, which fought alongside Iran in the war with Iraq in the 1980s.⁴⁷ ISCI (Islamic Supreme Council of Iraq), today the leading Shi'a political party in the Iraq Parliament, along with its paramilitary Badr Brigade, returned to Iraq following the U.S. invasion in 2003. Many of its members originally entered the new Iraqi police forces and remain influential in the Ministry of the Interior.⁴⁸

Recently the Maliki government reportedly "sold" the October 13 draft SOFA agreement to Iran not as the foundation for a long-term security relationship with Washington, but as a straightforward way of managing the U.S. withdrawal.⁴⁹ This speaks to the growing self-confidence of Prime Minister Maliki and his immediate supporters, and their close ties to Iran, as well as their instinctive understanding of the need for legitimacy. It also suggests that we are unlikely to eliminate Iran's influence in Iraq as long as the government is controlled by any Shi'a party. At the same time, most

⁴⁶ Barbara Slavin: *Mullahs, Money, and Militias; How Iran Exerts Its Influence in the Middle East*. United States Institute of Peace, Special Report #206, June 2008.

⁴⁷ The Badr Brigade is the armed wing of the Islamic Supreme Council of Iraq (ISCI). ISCI was formed in Iran in the 1980s in opposition to Saddam. Today ISCI is an Iraqi political party, the largest in the Council of Representatives.

⁴⁸ See John Calabrese, "The Other Surge: Iran's Success in Iraq," *Jane's Islamic Affairs Analyst*, November 29, 2007.

⁴⁹ See Robert H. Reid, "Maliki Stresses U.S. Exit To Sell Deal To Iran," *Arizona Republic (Phoenix)*, November 2, 2008.

regional experts agree that once the dust settles no Iraqi government will put up with overbearing influence from Tehran.⁵⁰ The problem is getting the dust to settle.

Timetables for withdrawal

Accepting that U.S. withdrawal from Iraq has already begun with the end of the surge, and will resume early in 2009 on the SOFA timetable or on accelerated schedule mandated by the new President, a discussion of the possible modalities is in order.⁵¹ We should keep in mind that our presence in Iraq is not a binomial entity; there will be a process of some length interjected between the two conditions of “there” and “gone.”

The current numbers. When the United States removed the surge brigades in the summer of 2008, it brought the American presence to 15 brigade combat team (BCT) equivalents or about 147,000 U.S. uniforms and somewhere just over 100,000 civilian contractors in Iraq (these are contractors from outside Iraq, not all of whom are Americans, but most of whom will leave at the end of the American occupation) as of the end of July 2008. The President’s September drawdown announcement promised that an additional ~8,000 would be withdrawn between then and February 2009, including one Army combat brigade, one Marine battalion, and various support personnel.⁵² Note that the Marine battalion coming out in November 2008 was scheduled to rotate at that time; it will just not be replaced. The same is true for the Army BCT, which will rotate home in January 2009. These further reductions will make the numbers about 139,000 shortly after the inauguration of President Obama.

Even if the goal is rapid withdrawal, that number of forces can’t be taken out of the country overnight. A reasonable reduction schedule that allows for gear and equipment recovery, responsible base clean-up and turnover, and logistic flow at Kuwaiti ports is a brigade equivalent every 30 days.⁵³ Putting nominal brigade strength at 4,000 people (it’s much more complicated, with aviation units different from ground units, and support forces organized differently, and the Marines different from the Army, etc., but using 4,000 is a reasonable compromise), we get just about three years of steady reduction of the uniformed forces alone.⁵⁴ We might assume that the civilian contractors

⁵⁰ This important insight was repeated during discussions with Toby Dodge at the International Institute of Strategic Studies in London, with Yahia Said at the London School of Economics, with John Nagl at the Center for American Progress in Washington DC, and with Colonel T.X. Hammes, also at the Center for American Progress.

⁵¹ An detailed account of ongoing efforts to begin planning for eventual withdrawal from Iraq is the GAO Report to Congressional Committees, *Operation Iraqi Freedom: Actions Needed to Enhance DoD Planning for Reposturing of U.S. Forces from Iraq*, September 2008 (GAO-08-930).

⁵² See Kate Phillips, “War at Home: Bush’s Iraq Troops Drawdown,” the New York Times Politics Blog, September 9, 2008, <http://thecaucus.blogs.nytimes.com/2008/09/09/war-at-home-bushs-iraq-troops-drawdown/>

⁵³ This estimate comes from discussions with logisticians at the support base in Kuwait and from watching the withdrawal of the surge brigades in the spring of 2008. General Petraeus withdrew the surge BCTs at the rate of one every 45 days.

⁵⁴ For additional perspective, in the summer of 2007 the author visited sprawling Camp Arifjan in Kuwait and discussed with the ARCENT leadership just how fast the United States could leave Iraq. Commander

can be withdrawn at the same time, since they have less equipment to worry about and perhaps less responsibility for turning over the bases. Contractors in fact might be flown out largely on commercial jets and depart on a schedule that overlaps with that of the military.

By this calculation, President Obama could start withdrawing in February 2009 and U.S. personnel would be completely gone by the end of 2011 (12 months times 3, minus January 2009, equals 35 and 35 times 4,000 a month equals 140,000), which is directly in line with the stipulations of the recently signed SOFA. There is, however, a potential problem with beginning serious withdrawals early in 2009. Among the vital benchmarks in the process of reaching self-sustaining stability in Iraq are the two sets of Iraqi elections in 2009: the provincial elections in January, and the national elections in December. Continued U.S. presence will be especially important for stability and security during these elections.⁵⁵

The importance of the Iraqi elections. The provincial elections are particularly important for what they will show us about the willingness of the Sunni factions to participate in the Shi'a-dominated government of Iraq. The Sunni largely boycotted the elections in January 2005, out of resentment over the way the draft constitution was put together.⁵⁶ Elections are a particularly vulnerable target for spectacular violence aimed at weakening the resolve of a state apparatus uncertain of its legitimacy. Thus, while there may be room for some additional reductions in force levels in 2009, it might make sense to go slow at first—perhaps reducing the force level by the equivalent of another Army BCT and another Marine battalion.

If those reductions were to total as many as 10,000, we could end 2009 at a force level of ~129,000. At this level we would require a withdrawal rate of a little better than 5,000 per month in 2010 and 2011 to reach the SOFA deadline of the end of 2011. Obviously these schedules are contrary to the stated objective of President Obama—again, the withdrawal all U.S. combat forces within 16 months of taking office. If we take as an estimate the ratio of combat to support forces as 1:1.4, the ratio used by the GAO to

ARCENT will be the executive agent for synchronizing the retrograde from Iraq when it happens. From a purely logistics perspective the Army experts at the staging facility at the bottom of the main supply route to Baghdad estimated from 24 to 36 months as a reasonable time in which to withdraw U.S. forces from Iraq based on a troop strength at the time of ~145,000. The units themselves could be repositioned in as little as 18 months; moving all theater stocks and equipment could take in excess of 36 months; and a full environmentally correct turn over of facilities could take as long as 48 months. The Army logisticians were quick to point out that everything depends on how you leave the country, what you take with you, and in what condition you leave the current collection of U.S. facilities. By count the U.S. occupies ~300 facilities in Iraq today.

⁵⁵ This point was made by several Iraq experts in interviews with the author—for example, John Nagl, who served on General Petraeus' staff in Baghdad and is now at the Center for New American Security.

⁵⁶ Toby Dodge, "Iraq and the Next American President," pp. 37-60. Note that radical Shi'a cleric Moqtada Al Sadr also boycotted the original elections, which means that in order for the coming provincial elections to be seen as legitimate, his supporters will have to come out and participate.

compute support required for the surge, that puts combat forces in Iraq at about 58,000.⁵⁷ Withdrawing that number in 16 months would be consistent with the schedule discussed above; however, remaining in strength through 2009 would require increasing the outbound flow to something close to 12,000 people per month—a logistics challenge, to say the least.

Experts, John Nagl among others, have suggested that if all goes as well in 2009 as we have reason to hope, we could comfortably be at half our current strength by the opening months of 2011. This is an estimate based on security conditions in Iraq, not on the logistics of withdrawal. That would mean taking our numbers down from ~129,000 (reached after the national elections at the end of 2009) to something on the order of 60,000 to 70,000 by the end of 2010. This would be a more gradual reduction glide slope than that required to get to President Obama's 16-month objective. Such a timetable is also consistent with the planning of General Petraeus, who said that after the Dec 2009 national elections he would plan to begin decisive shifts in the direction of over-watch and away from any remaining direct combat role.⁵⁸

The bottom line of these calculations suggests the following conclusions:

- Withdrawing all U.S. forces within three years of January 2009 is reasonable from a logistics perspective.
- Staying in nominal strength (~129,000) through 2009 will make the withdrawal glide slope steeper, but still manageable.
- Withdrawing combat forces within 16 months of the new president's inauguration would not be difficult logistically.
- Such a withdrawal will become much more difficult if the reduction in combat forces does not start until after the Iraqi national elections in December 2009.⁵⁹

The modalities of withdrawal. Following the elections in 2009 would of course be the critical time in a U.S. withdrawal scenario: during this phase (during the year 2010), troop levels would come down for the first time in several years to levels well below 100,000, as well as transition away from actual combat formations on Iraq's streets and in the neighborhoods where the Joint Security Stations have made such a difference. At this point we would probably be well advised to restructure our forces, moving away from brigade combat teams to something more consistent with the mission of supervision and back-up support, such as the "transition task force" now being used in some places in Iraq.⁶⁰

⁵⁷ See Bryan Bender, "Support needs could double 'surge' forces," *Boston Globe*, February 2, 2007. This is not to say that separating out those troops to be withdrawn as part of "combat forces" would be straightforward; it would not.

⁵⁸ General Petraeus in his April 2008 testimony. Note that this was well after the now-ratified SOFA, which requires that U.S. forces be pulled from cities and populated areas and relegated to fixed cantonments.

⁵⁹ Note again that these are rough estimates based on surge precedent and discussions with logistics experts, and not the result of examining individual units and equipment densities.

⁶⁰ See, John Nagl, "How To Smooth The Transition In Iraq," *Christian Science Monitor*, October 6, 2008.

Nor would it seem wise to withdraw entire combat units en masse, as that would leave evident vacuums and encourage disaffected elements to challenge the authority of the ISF left behind. Military officials in Baghdad have suggested a strategy of “thinning the ranks”, in which individuals are taken out of formations in areas where the security situation is positive, leaving the structure of coalition presence to work with the Iraqi security units during the transition to over-watch.⁶¹ Iraqi security forces are unquestionably improving and becoming more self-sufficient over time. The Basra operations in the spring of 2008 pointed up weaknesses, however, especially in supporting arms, intelligence, helicopter lift, and logistics self-sufficiency.⁶² It is well to remember that as late as March 2008 the official number of ISF units capable of operating successfully without U.S. assistance was still only 10% of the total.⁶³

If conditions permitted and we stayed on the glide slope just described for 2010, we could meet the goal of the SOFA and be out of Iraq by the end of 2011. As calculated above, this would average out to a little more than 5,000 troops leaving Iraq per month through 2010 and 2011. Such a schedule would, however, give us no latitude to establish “landings” where we hold steady at a given troop strength for two or three months to assess the conditions on the ground and ascertain whether continued reductions remain warranted. This timeline also completely obviates any introduction of temporary “re-surge” forces to staunch unexpected bleeding. Remember, if we stay in relative strength through 2009 as a prudent safeguard for the critical sets of elections, we begin 2010 with at least 128,000 uniforms in Iraq.

Conditions-based. This sort of time-based stairstep-down schedule needs to be considered against the advisability of some form of conditions-based testing as we proceed along a pre-set schedule of withdrawals. President Bush was originally adamant that this is how he saw any drawdown being conducted. In discussing the surge withdrawals in March 2008, he said, “Any further drawdown will be based on conditions on the ground and the recommendations of our commanders – and they must not jeopardize the hard-fought gains our troops and civilians have made over the past year.”⁶⁴

This is more difficult to do than it sounds. There have to be built-in plateaus for assessment, periods during a scheduled drawdown when force levels stabilize and levels of violence can be accurately examined. Once an overall departure has been announced and dates given during an unpopular occupation, there exists a momentum that is hard to

⁶¹ MG Fil news briefing, December 17, 2007. We should note that the SOFA requirement for U.S. forces to be out of the cities and into the bases might make a strategy of thinning the ranks hard to implement. The concept of a gradual pulling back of the U.S. support structure over time has the apparent support of U.S. commanders in Iraq.

⁶² A good synopsis of the current state of the ISF can be found in the Department of Defense Report to Congress, *Measuring Stability and Security in Iraq*, in September 2008. There is some controversy over just how important U.S. forces were in guaranteeing the IDF successes in Basra in the spring of 2008, however most reporting from the scene considered coalition support to have been the deciding factor.

⁶³ GAO Report 08-837, June 2008.

⁶⁴ Remarks by President Bush at the White House, March 19, 2008. Note that with the signing of the SOFA, the president has apparently showed that he is willing to compromise on strict adherence to conditions-based withdrawals. There is no latitude in the three-year timetable for extensions due to deteriorating security conditions at some point in the schedule.

interrupt even when conditions might warrant. This is in effect what we have done by signing the SOFA. There are lessons in this regard from the way in which the United States disengaged from Vietnam from 1969 through 1973. A quote from Henry Kissinger at the time is instructive of the difficulty of staying true to a conditions-based withdrawal schedule:

Withdrawals of U.S. troops will become like salted peanuts to the American public; the more U.S. troops come home, the more will be demanded. This could eventually result, in effect, in demands for a unilateral withdrawal The more troops are withdrawn, the more Hanoi will be encouraged.⁶⁵

As we recall, that is just what happened, and history records the extent of Hanoi's encouragement.

Just what is the threat of failure in Iraqi?

The primary threat to U.S. "success" in Iraq is that such consensus as there is on the legitimacy of the Shi'a Iraqi government falls apart and there is a return to violence, leading to civil war, with an even chance Iraq's neighbors will get involved. Resurgent violence in Iraq is likely to come from one or all of three areas: the former Sunni insurgents, the Shi'a militia, and the as-yet unresolved conflict surrounding Kirkuk. Could a return of the al Qaeda in Mesopotamia occasion a return to violence? It could, but there is little support now among the Sunni for a return of foreign-based ideological extremists. The discrediting of al Qaeda seems to be universal and complete among the Sunni tribes, where it was widely perceived that the Islamic radicals had abused the hospitality of the Sunnis, a significant affront in Arab society. This is not to say that radical elements, some including remnant AQI, will not continue to attack targets in populated areas of Iraq: however, the chances of again instigating civil war are slight. What would the fighting look like in an Iraq where the current security situation breaks down?

The Sunni Awakening returns to violence. If not successfully integrated into the government at some level, the Sunni "Awakening," or Sahwa groups, mainly Sunni in origin and originating in the western province of al Anbar, could return to the insurgency. This bottom-up movement is credited with spearheading the changed security situation and with providing the intelligence and on-the-ground support that enabled the defeat of the AQI in Anbar and subsequently Baghdad.⁶⁶ A key determinant toward the legitimacy of the Shi'a government in Baghdad is how the ~100,000 Concerned Local Citizens (also

⁶⁵ James H. Willbanks, *Abandoning Vietnam: How America Left and South Vietnam Lost Its War* (Lawrence, KS: University Press of Kansas, 2004).

⁶⁶ For a detailed description of the awakening in al Anbar Province, see Francis J. West, *The Strongest Tribe: War, Politics, and the End Game in Iraq* (New York: Random House, 2008).

called “Sons of Iraq”) are integrated into government security services controlled from Baghdad.⁶⁷

As it stands now, in spite of promises from the Prime Minister, only a small number of these local security forces have actually been brought in from the cold.⁶⁸ Moreover, it seems clear that Shi’a elements in the government in Baghdad continue to see these Sunni fighters as terrorists guilty of crimes against the state. In effect, by championing the Awakening movement, the United States created an additional militia in the well-armed Sunni Sons of Iraq. Maliki objected strenuously when this bottom-up movement shifted from its early success in al Anbar to the city of Baghdad.⁶⁹ This is another example of the fact that the ethnic and sectarian competition at the heart of the Iraqi political process remains uppermost in people’s minds.

Eventual stability in Iraq will to a great extent be determined by the willingness of the Sunni minority at large to accept the reversal of power in the country that has put the Shi’a at the top and left them at the bottom. If that essential reversal of fortune on the part of the Sunnis is not accepted, it means that no Shi’a government will be accorded the legitimacy needed for stable government. As reported in the January 2007 National Intelligence Estimate on Iraq:

Many Sunni Arabs remain unwilling to accept their minority status, believe the central government is illegitimate and incompetent, and are convinced that Shi’a dominance will increase Iranian influence over Iraq, in ways that erode the state’s Arab character and increase Sunni repression.

That fundamental acceptance of their reversal of fortune coupled with the provision of services by the central government in Baghdad, along with some equitable plan for a national sharing of oil revenues, will determine how willing the Sunni population of Anbar is to accept the Shi’a government in Baghdad.⁷⁰ The disinherited Sunnis are much less likely to accept their lot if they are excluded from a proportionate share in the single significant revenue of the country –i.e., profits from the sale of oil and gas reserves. What this means is that there needs to be some believable mechanism to ensure that the (mainly Sunni) residents of those provinces without oil reserves are justly compensated out of the national revenues.⁷¹

⁶⁷ The existence of local security forces outside the ranks of the legitimate Iraqi security forces, in particular the National Police, threatens the legitimacy of the government. One of the key attributes of sovereignty is the state’s monopoly of the legitimate use of force.

⁶⁸ See Shawn Brimley and Colin Kahl, “Baghdad’s misguided crackdown on the Sons of Iraq,” *Los Angeles Times*, August 26, 2008.

⁶⁹ For an in-depth discussion of how hard it was for General Petraeus to convince Maliki to make accommodations for the Sunni Awakening in Baghdad, see Linda Robinson, *Tell Me How This Ends*.

⁷⁰ This point was stressed in interviews with both Said and Toby Dodge in London during the research for this paper.

⁷¹ Four provinces in Iraq have essentially no oil reserves: Diwaniya, Babel, Anbar, and Dahouk. The province of Dahuk is in the far north, in part of the Kurdish region; Babil and Diwaniya are south of Baghdad; and al Anbar is the large province west of Baghdad and Karbala.

Shi'a militia internal power struggle. A second area of resurgent conflict could be a violent struggle between the various Shi'a militia groups that contest for power. This could pit Moqtada al-Sadr's Mahdi Army (Jaish al-Mahdi) militia and the Fadila against Maliki and the ISCI militia, Badr. The fighting in Basra in the spring of 2008 might have been a prelude to a future battle for power and influence if the legitimacy of the government should dissipate and rivals should openly contest Maliki's hold on power. In the summer of 2008 Sadr divided his militia into a social service wing, the Momahidoun, and a force of elite fighters, called the Iiyoom al Mamoud, or the Promised Day Brigade. The elite unit is only intended to fight non-Iraqis (read "Americans"). Meanwhile, Sadr is apparently reaching out to the remaining Special Groups, called Asa'ib, in an effort to get them to renounce Iranian support and join his militia.⁷² It seems clear that Sadr is consolidating his power base against the time when the Americans will be gone, and there will be no referee in the Iraqi struggle for power and resources.⁷³

If Shi'a infighting should begin again, it is likely that Iran would actively support its Shi'a militia clients in Basra, Baghdad, and elsewhere. This would entail arming and training fighters from the Badr Brigade and others. If things are generally chaotic and the government in Baghdad fails outright, Iran could annex areas in the south of Iraq. In such a scenario Saudi Arabia is unlikely to put troops into Iraq, but it likely would support the Iraqi Sunni with arms, and might facilitate the return of radical elements to assist in the fighting against the Shi'a militias. Syria has introduced jihadis on behalf of AQI through the city of Abu Kamal and down the Euphrates from the outset of the U.S. occupation.⁷⁴ Turkey has obvious interests as evidenced by its bombing of PKK targets along the border in Iraq.

The unresolved issue of Kirkuk. A strong potential for resurgent violence exists in Kirkuk, which remains unresolved and which has already provoked clashes between the Iraqi security forces and the Kurdish Peshmerga. The unresolved status of Kirkuk is among the more contentious issues bogging down the legislative process in Baghdad as well as contributing to the continued bloodshed in northern Iraq.⁷⁵ The Kurds claim Kirkuk as part of their ancestral holdings, a claim that has been disputed by Arab Iraqis since the formation of the Iraqi state after World War I. Fighting has continued in the region in spite of the relative calm following the surge and the other positive developments to the south, with a newly confident Iraqi army currently engaged in the Kurdish region of Khanaqin on the border with Iran.⁷⁶ The conflicted claims and the history of violence make the situation too critical, even existential, for the Iraqis on the

⁷² The United States calls these groups the "Asa'ib Ahl al-Haq" and considers them to be a network that accepts weapons and assistance from Iran as a breakaway from the Mahdi Army.

⁷³ See "The way ahead for Moqtada al-Sadr," *Jane's Islamic Affairs Analyst*, May 14, 2008. Also, "Rebel with a pause – Sadr under pressure as truce is renewed," *Jane's Intelligence Review*, March 13, 2008.

⁷⁴ See Department of State Daily Press Briefing on October 27, 2008, <http://www.state.gov/r/pa/prs/ps/2008/oct/111319.htm>

⁷⁵ The COR passed a provincial election law on 25 September 2008 providing for provincial elections in January 2009. Unfortunately the critical issue of Kirkuk had to be set aside to enable the legislation to be passed. The ultimate status of Kirkuk is clearly one of the volatile flash points as yet unresolved.

⁷⁶ See *Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds*, International Crisis Group, Middle East Report No. 80, 28 October 2008.

ground to solve by themselves. Some knowledgeable observers are convinced that Kirkuk requires a UN commission or a regional forum of some kind, so contentious are the issues.⁷⁷

Other possibilities for violence. A handful of serious and potentially violent issues remain unresolved, including completion of the constitutional review process, passing of the hydrocarbon laws, and some serious policy decisions regarding return of the refugees from the earlier fighting.⁷⁸ In spite of recent legislation, there are still significant flaws in de-Baathification reform and in implementing the amnesty law. There are also deeper issues outstanding over the distribution of power and the role of religion in the society and government. These and other areas suggest the possibility for a return to violence, but not on the scale of the three major fault lines discussed above and not as directly threatening to the state's credibility.⁷⁹ For example, hundreds of thousands of Iraqis displaced by the violence have yet to return to their original neighborhoods and homes—an influx which could spark renewed fighting. At this point, however, there is no sign that such a return is going on in great numbers. The government has made no serious effort to resettle refugees, and, to date, the Iraqis who have left the country have been largely unwilling to risk returning.⁸⁰

Policy choices for President Obama

First and foremost the new president has to decide the extent to which he will mold his policy decisions to conform with the contours of the agreed upon Status of Forces Agreement. The cards have been dealt for him by the previous administration, and one obvious alternative is to accept the deal. In this option, the new administration accepts the three-year timetable for withdrawal of all U.S. forces. General Odierno continues moving out of the cities and populated areas into fixed bases from which U.S. forces will be in support of Iraqi forces, and when required, “commute to the war.”

Ceding the initiative to Baghdad. The bottom line for this course of action is that it cedes the initiative to the corrupt, incompetent government of Nuri al-Maliki, and in so doing perpetuates the Bush legacy of unqualified support to the Shi'a government in Baghdad, and to Prime Minister Maliki personally. In considering this alternative we should recognize that the SOFA as written does not appear to favor U.S. objectives in Iraq as expressed by Secretary Gates and President Bush. The agreement does not

⁷⁷ This point was clearly stressed by all of the regional experts with whom we spoke; the resolution of Kirkuk should not be left to the Iraqis alone, especially in the coming absence of the United States.

⁷⁸ For a thorough discussion of what the report calls “potential spoilers,” see Catherine Dale, *Operation Iraqi Freedom: Strategies, Approaches, Results, and Issues for Congress*, CRS Report RL34387, September 22, 2008.

⁷⁹ For another discussion of apparently enduring, unresolved tensions in Iraq, see Brian Katulis, Marc Lynch, and Peter Juul, *Iraq's Political Transition After the Surge*, Center for American Progress, September 2008.

⁸⁰ For an in-depth discussion of the refugee crisis in Iraq, see Rhoda Margesson, *Iraqi Refugees and Internally Displaced Persons: A Deepening Humanitarian Crisis?* CRS Report to Congress, RL33936, August 15, 2008.

position the United States for long-term presence in Iraq, as combat troops, trainers, or counter-terrorist SOF. The agreement is clearly a blueprint for complete American withdrawal, and its first assumption is thus that the ISF is ready now to shoulder the security mission with U.S. forces in operational over-watch from the bases. A second underlying assumption is that the Maliki government has enough legitimacy and is competent enough to complete lasting political reconciliation in the three years remaining before the United States is completely withdrawn.⁸¹

While the United States withdraws over the ensuing three years under the status quo course of action it can take some positive measures, such as strengthening the U.S. interagency commitment to reconstruction and better governance, and increasing regional diplomatic initiatives for more effective international aid programs. The command in Baghdad would continue training the ISF in the time remaining, while supporting Iraq's government forces out of an over-watch posture. During the coming three years, the administration can assess the readiness of the ISF and, as appropriate, attempt to negotiate a stay-behind force presence— a remnant training cadre, embedded advisors, direct assistance to counter-terrorist SOF, and so forth, none of which are mentioned in the SOFA as currently written.

Still, the underlying assumption in this COA remains that the Maliki government has the situation under control. Given the track record of that government thus far, this could be a potentially dangerous choice for the new administration if other steps are not taken. There is no guarantee that three years is enough time for lasting reconciliation in Iraq, even assuming that the Shi'a government makes serious efforts in that direction. Meanwhile, continuing the policies of the current administration will guarantee that the United States gets maximum blame for an eventual failure in Iraq.

Taking back the initiative. An alternative course of action for the next president would begin with the presumption that the United States needs to take back the initiative in Iraq. First of all, that would mean rejecting the notion that President Bush's successor is necessarily bound to abide by all of the particulars in the agreement negotiated by him. The SOFA can be modified by mutual agreement with the government in Baghdad, and in the worst case the United States has the sovereign right to opt for a unilateral withdrawal. In a similar vein, the new president is not obligated to perpetuate the legacy of the previous administration, in particular its unalloyed support to the incumbent Iraqi government. This alternative course of action would put some distance between the new American administration and Prime Minister Maliki's government. The underlying assumption is that it may not be necessary or appropriate for the United States to shoulder the full rucksack of blame if the security situation unravels in Iraq.

To repeat, the SOFA is an executive agreement, not a formal treaty, and it will not have been subjected to the consent of the Senate. It should be within the scope of the new president's powers to make changes after consultation with the Iraqi side. If President

⁸¹ In reality, Maliki's legitimacy would be tested much sooner since once U.S. forces are no longer visible in the streets of Iraq, the government and the ISF will be virtually on their own, with the American military in a reactive stand-by posture.

Obama is determined to carry through on his earlier promises to remove combat forces in 16 months, the SOFA as written will have to be amended somewhat. The wording of the agreement makes amendments somewhat problematical as discussed in the appendix, and whether it would require rejecting the agreement outright and starting again is uncertain. The point is for the new president to put his stamp on this critical agreement between the two governments, rather than simply accepting the document as written. As one example, preparations for the move of U.S. forces out of the cities into fixed cantonments will presumably have already begun under President Bush. A decision to withdraw the combat forces in 16 months may make moving into the bases as now stipulated in the SOFA unnecessary or logistically unwieldy.⁸²

Politicizing the war. An honest assessment of blame for conditions in Iraq and especially a potential future meltdown is a contentious subject. A frequently expressed sentiment was echoed by former Secretary of State Colin Powell when he likened the United States in Iraq to the pottery barn rules – you break it, you own it.⁸³ Regretfully the war in Iraq has been politicized in this country and actual conditions on the ground obscured in the process.⁸⁴ In particular, progress in the war has been harnessed to the political objectives of parties, candidates, and interest groups. Partisan observers have overstated progress in political reconciliation, gross exaggerations about progress in the “benchmarks” being a perfect example.⁸⁵ The repeated refrain of General Petraeus that “progress is fragile” is a clear signal that political reconciliation has not kept pace with security successes.⁸⁶ The next president needs to de-politicize the war— to describe the

⁸² Removing combat forces in 16 months will in itself present logistic challenges, especially if the United States holds its current posture through 2009 as discussed above. It may be that consolidating onto the bases would make more difficult what will already be a fairly complex and demanding logistics task. Separating “combat” forces from support or training forces is another issue. Conditions may not support removing the brigades and their firepower quickly, leaving maintenance and support troops without protection on U.S. bases in Iraq. Also, most units of the American air component in Iraq might logically qualify as combat forces; however, aviation units are also accompanied by a great deal of maintenance and support structure.

⁸³ This was apparently said by the then-Secretary of State to President Bush, as reported in Bob Woodward, *Plan of Attack* (London: Simon & Schuster, 2004).

⁸⁴ A good example of this was the presentation by retired General Jack Keane at the annual seminar of the Center for a New American Security, June 11, 2008, in Washington, D.C., in which he reported the insurgency in Iraq to be essentially over, the chances of more Sunni violence behind us, the Shi’a extremists marginalized, and the Maliki government making good progress politically.

⁸⁵ The 18 security and political benchmarks jointly agreed to in August 2006 were tied to supplemental appropriations in the U.S. Congress, the funds for Iraqi reconstruction being dependent on progress by the summer and fall of 2007. The U.S. law passed in conjunction with the benchmark deal also mandated an independent assessment of political progress in Iraq by the GAO, to be done in September 2007. There was a provision in the law stipulating that the funds could be released by presidential waiver, which is what happened. All Economic Support Fund (ESF) account moneys were withheld pending submission of the progress reports. In particular, progress was required on provincial and local elections, de-Baathification laws, and spending of promised Iraqi funds for reconstruction. U.S.-appropriated funds were released to Iraq under presidential waivers in July and September 2007 in spite of unsatisfactory progress on the benchmarks. See CRS Report RL31833, *Iraq: Reconstruction Assistance*, August 20, 2008.

⁸⁶ A good example is the interview of General Petraeus by Rod Nordland in *US News and World Report*, August 21, 2008, where Petraeus talked about keeping our eye on the ball and not being overly optimistic, and described the AQI as remaining “lethal” and “dangerous” and still being “the wolf closest to the

situation for what it is from the outset. This would be done not to shift blame for possible failure onto the Iraqis, but rather to make clear the U.S. position and the consequences if the government in Baghdad does not keep faith with the Iraqi people in the matter of being a government for all Iraqis.

Owning the war, but not the blame. In order to do this, the new President would need a public position that distances him from the failings of the Shi'a government, and he would need to lead with that clear vision.⁸⁷ This will be key for the new President if he decides to reject the cards as dealt by his predecessor. As of January 21, 2009, whatever positions have been taken in the past, the war belongs to President Obama. He needs to own it out loud from the beginning, along with the initiative to end it, if that remains his decision. This would require coming out of the chocks with a public position, saying in effect "Yes, we broke it and we will honor the commitment we have made to do what we can to fix it in the time we have remaining. However, there are things the elected Government of Iraq has not done, either not at all or not sufficiently if it is going to be a government for all Iraqis."

The reconciliation initiatives not taken are in fact a matter of record: the Sons of Iraq integration, Kirkuk settlement, Baath purges, oil revenues, reconciliation with the Sunni Awakening, etc. The Department of Defense Report to the Congress in September 2008 made just this point: "Though the recent improvements in the security situation across Baghdad are significant, the Iraqi government will have to take deliberate measures to sustain these gains."⁸⁸ It would help for the administration to spell out those measures and make it clear that it is hard to see how Iraq will ever be a stable, effective, and responsible Arab country if those things are not done. Without true reconciliation, Iraq could end up like Lebanon, essentially a divided nation, split by ethnic and religious (sectarian) rivalries, the government in Baghdad illegitimate in the eyes of too many Iraqis and dangerously influenced by its neighbor Iran.

In this way, the new President could make it clear that the United States will do all it can to help in the time remaining, either under the three-year timeline in the SOFA, or under the more rapid withdrawal promised by President Obama. It is also worth pointing out that leaving Iraq is not a unilateral decision; the United States is carrying out the wishes of the government in Baghdad. The United States, for all the faults of the occupation, has given Iraq an opportunity to build a lasting, secure, and prosperous Arab country with a legitimate government that works for all Iraqis— Shi'a, Sunni, and Kurd.

sled." In spite of all the progress, the general concluded, "It is still not self-sustaining; there is still a degree of fragility to it, and it could be reversed."

⁸⁷ In some ways, the extent to which the new President supports the Maliki government is the key question in framing his vision for ending the war in Iraq. As part of this decision, a key consideration will be how closely current Iraqi leadership is aligned with Iran. Maliki's close ties to the regime in Tehran are widely acknowledged. It makes little sense for the United States to work at isolating Iran over its nuclear program while Iraq is signing oil and gas pipeline deals with Iran and accepting electricity supplies from the Iranian grid. See Brian Katulis, *America's Dangerous Blind Spot in the Middle East*, Center for American Progress, May 30, 2008.

⁸⁸ *Measuring Stability and Security in Iraq*, September 2008 Report to Congress. In accordance with the Department of Defense Appropriations Act 2008.

That window of opportunity may be opened relatively briefly and understandably imperfectly, but the United States has paid dearly to open it. At some point, the Iraqis themselves have to be willing to walk through the window; the U.S. obligation is not open-ended.

Of course, if the United States leaves Iraq with the strong sense that the government is not going to hold together, sound damage control strategies will need to be in place to contain the spillover. The administration can begin at the outset forging a regional framework that encourages Iraq's neighbors to take more responsibility for conditions in Iraq. Also, as discussed below, the President needs to decide early whether he intends to recommit U.S. forces in the numbers necessary to contain the violence should things unravel at some point during or soon after U.S. withdrawal. The message must be clear in either case; the U.S. commitment to Iraq has term limits.

Pressuring the Maliki government. Clearly, as long as U.S. forces remain in Iraq, under either the SOFA or an agreement negotiated by the new administration, the administration needs to keep pressuring the government in Baghdad to accommodate, compromise, and move toward reconciliation. An important consideration in pressuring the Maliki government to "do the right thing" in promoting reconciliation is just how much leverage the United States retains.⁸⁹ As the United States has telegraphed its intention to leave, and as the confidence of the Iraqi government has increased with the successes of the ISF (albeit bolstered by U.S. forces), the Iraqis in general have demonstrated less receptivity to U.S. influence and less willingness to change their behavior at American prodding.⁹⁰ There are other levers of influence available to the United States as force presence diminishes, including the training of the Iraqi army and security forces, the Foreign Military Sales program, direct combat support to the ISF (artillery, logistics, ISR, embedded advisers, air support), assistance with debt relief and claims negotiation, intercession on Iraq's behalf at the UN, and the entire issue of the kind and duration of security guarantees.

Remnant U.S. force posture. The SOFA as written rules out any remnant U.S. force being in Iraq for regional security/stability purposes – that is, stationed in Iraq the way the U.S. forces are stationed in Northeast Asia or Europe. An earlier iteration of the agreement had made provision for the Iraqi government to ask the United States to leave forces in Iraq for the purpose of training and supporting the ISF; however, the version signed in December 2008 had that clause removed. A decision for the new President will be what force posture if any the United States will attempt to establish in the aftermath of its combat presence. To repeat, virtually all of the regional experts the author spoke to in London made the point that a long-term U.S. force posture in Iraq is not in the cards. Iraqi nationalism will preclude anything that could be interpreted as an occupying force. If it is the intention of the next administration to leave some presence in the country after 2011 to train the Iraqi army for the defense of the country, or to assist with counter-

⁸⁹ The extreme difficulty the United States had cajoling the Maliki government to sign the Status of Forces Agreement is a good example of how depleted U.S. leverage is.

⁹⁰ See Catherine Dale, *Operation Iraqi Freedom*. Again, there are good insights as to how hard it has been to pressure Maliki in Linda Robinson, *Tell Me How This Ends*.

terrorism, we need to think through what that presence will look like over time. We have some models to consult – the U.S. footprint in Saudi Arabia is a place to start.

Strategic partnership? The new President needs to decide just how close a relationship the United States wants with Iraq for the long term. Accompanying the recently signed SOFA was a Strategic Framework Agreement (SFA), which talks to a supposed long-term security relationship between the United States and Iraq; however, the document contains mostly indefinite generalities and contains no implementation specifics. It is hard to imagine the United States having a close relationship with a country run by a Shi'a government that is in any way radical or extremist— especially if that government ends up aligned with neighboring Iran, or even unduly influenced by Iran.⁹¹ This returns to the imperative to change the dynamic of conflict between the United States and Iran. In fact, it is not too exaggerated to say that any lasting solution to the problems in Iraq depends on a solution to the problems the United States has with Iran.⁹²

Possible scenarios for pre-crisis planning

Borrowing from a practice familiar to military planners as informal or “table-top” war-gaming, it might be helpful for decision-makers in the new administration to imagine potential downside scenarios in Iraq once U.S. withdrawal begins in earnest. By focusing on how things might go wrong, it is sometimes possible to get out ahead of the decision process and consider possible responses in advance of a crisis. Below, we discuss some of those potential downside scenarios in Iraq.

The situation deteriorates half-way through a U.S. withdrawal. As an example, imagine it is early in 2011, American forces in Iraq are all generally confined to the remaining 50 or so bases we still occupy, and our strength is about 40,000 to 50,000 soldiers with some air remaining, primarily armed and transport helicopters.⁹³ The United States has been abiding by the strictures of the approved SOFA and is on a glide slope to be largely withdrawn by the end of 2011. At this point, imagine that the levels of violence begin to rise. There are increasing attacks on U.S. facilities, and the roadside bombs have reappeared as a security threat. The Shi'a successor to Maliki elected at the end of 2009 has been even more harmful to continued political reconciliation, consolidating his power base, eliminating rivals, ignoring the disaffected Sunnis, targeting the leadership of the original Awakening movement, firing or even arresting former Baathist technocrats, and using the security forces as his own militia to control

⁹¹ Reportedly a strategic framework agreement of some description was prepared as an accompanying document to the SOFA accepted by the Iraqi legislature in November 2008. The author has not been privy to that document; however, it is likely to discuss the issue of long-term U.S.-Iraq strategic partnership in some detail.

⁹² There is not time here to deal with Iran in any detail, but obviously the problems posed by Iran's support for such groups as the Lebanese Hezbollah, and Iran's nuclear programs, are not simply U.S. problems. Iran is an international problem that will require a multilateral solution.

⁹³ If President Obama indeed removes combat forces by early summer 2010, these remaining U.S. forces could be largely support and logistics troops at this point, making reengagement in a deteriorating security situation even more difficult.

rival Shi'a militia in Baghdad and south in Basra. At this point, what are the options for the U.S. President?

As part of this scenario, suppose the United States has upped the ante in Afghanistan by 2010, with as many as 50,000 troops in that country. What if at that point initial U.S. efforts to help the Government of Iraq control the escalating violence are not sufficient and events threaten to spiral out of control, repeating the chaos of 2006? Does President Obama repeat the 2007 surge, send additional brigades back to Iraq, possibly at the expense of the operation in Afghanistan? Does he attempt to convince the Iraqi government that the remaining American forces need to move out of fixed bases back into the cities in direct support of the ISF? How does the President go back to the American people and explain the need to recommit to Iraq at a time when rising casualties in Afghanistan are already causing alarm? Can the U.S. Army and Marine Corps find four or five more brigades to commit to the deteriorating situation in Iraq while Afghanistan is on the front burner?

If the United States is going to start a withdrawal out of a fixed-bases position, as called for in the recently signed SOFA— a withdrawal that leaves ~50,000 soldiers in the country at the end of 2010— the national command authorities are well advised to consider these questions before being faced with a crisis on the ground in Iraq.

The Sunni insurgency comes back early in a U.S. withdrawal. As an alternative, suppose the new administration has elected to withdraw in much less time than the three years called for in the SOFA. Suppose that, as U.S. forces begin drawing down seriously in mid 2009, the Sunni insurgency begins again at a low level following a failure of the government in Baghdad either to integrate the Sons of Iraq into the government or to provide any acceptable level of services to the Sunni minority in the country, including a resolution to the oil revenue sharing dispute. Would the United States then support the ISF against the Sunni Sahwa movement? Just how far will the new President be willing to go in support of a Shi'a government that is clearly part of the problem? If the SOFA has gone into effect as currently written, we would be reacting to this escalation in violence from a garrison posture in fixed bases, which is directly contrary to the principles of counter-insurgency employed by General Petraeus in 2007.

As a variation on this scenario, suppose conditions in Kirkuk and Mosul deteriorate and the fighting there continues between Arabs and Kurds with increasing activity by remaining AQI elements augmented by outside fighters funneled through Syria. The Kurdish Peshmerga is capable of mounting a serious challenge to the ISF, at which point the situation could descend toward civil war in the north. Would the United States actively engage the Kurdish fighters on behalf of the Shi'a government in Baghdad? Would President Obama do so even if all evidence pointed to provocation and unwillingness to compromise on the part of the central government?

In such scenarios, the same questions about a “re-surge” arise: Will the president be willing to stop the withdrawal, perhaps even send fresh brigades back to Iraq? Will

such reinforcements be available in view of increased support to Afghanistan? What will the president say to the war-weary American people?

Obligations under the SOFA. Assume that it is November 2001; the SOFA has not yet expired. The United States has withdrawn according to the three-year schedule in the SOFA and is almost completely gone, with only a handful of support forces policing up the remaining bases, managing the FMS program, and providing security at the embassy. What if at this point the Shi'a government in Baghdad finds itself challenged by rival Shi'a militias? It is easy to imagine the Iranians instigating violence against the government through the Badr Brigades or rejuvenated special groups once U.S. influence has run out. What if at that point there is clear evidence that the Shi'a government in Baghdad is as much to blame as its opposition due to high-handed, undemocratic practices and factional infighting? Is the United States obligated to fight on the side of the Iraqi government, perhaps to send more troops into the country at that point? The wording of the SOFA suggests that we would be so obligated, at least through 2011.

In summary, there are some decisions about specific commitments that the new President should be ready to make before he is confronted by crisis. The Iraqi government may fail under any course of action taken by the United States. Even with U.S. forces at or near their current level, violence might return and the nascent civil war rekindle. The following is an abbreviated "check list" for high-level decision-makers speculating in Iraqi futures:

- The United States must know beforehand whether it will re-surge in these downside eventualities.
- The military needs to have forces prepared in advance for this eventuality.
- This means "saving" designated fresh units out of the coming Afghanistan rotation for emergency insertion back to Iraq.
- American commitment can't be done half-way; the United States is in or out.
- The President may want to decide in advance the extent to which he will consult with the Congress in any alternative, especially a re-surge.
- Also important will be the extent to which the United States seeks the active involvement of the United Nations.
- If the United States is not going to re-surge, it must have excursions in place for continuing its withdrawal "under fire" – for example, an alternative main supply route MSR (is Jordan available?); convoy security, including helicopters; and equipment triage.
- It will be helpful if the United States has already decided the extent to which it will protect the Kurds if things "go south" in the rest of Iraq.
- Under any future U.S. course of action regional containment options will be essential to controlling a crisis. The diplomatic legwork for this will have to be done in advance. In particular, early consultations with Iraq's neighbors on containing potential future violence must include Iran.

The bottom line is that the administration will find itself well ahead of the game if it makes these decisions before the point at which things may deteriorate in Iraq.

Clear choices for President Obama

This discussion of policy options and scenarios for pre-crisis planning suggests that there is a series of issues in Iraq that present clear choices between distinct alternatives.

- The President can continue wholehearted support for the Maliki government and work to build the legitimacy of the Shi'a government in Baghdad, while protecting that government on the battlefield, training the ISF, and preparing for U.S. departure over the coming three years.
- Alternatively, he can de-politicize the war, spelling out areas where the shortcomings of the Maliki government threaten the success of the state, while identifying all possible pressure points to coerce that government to do it right while there is still time.
- On the departure timeline, the President can stand by his campaign position of removing combat forces in 16 months, amending the SOFA as required, or he can agree with the three-year timeline for all forces negotiated by his predecessor. In which alternative, distinguishing between combat and support forces is probably not necessary.
- He can negotiate with the government in Baghdad for a sizable force remaining after the 2011 deadline, or accept the minimal posture implied in the SOFA.
- As the United States proceeds with the drawdown, the new President can plan on a re-surge in the event that the security situation deteriorates before the end of U.S. presence, or plan to continue withdrawing and concentrate on containing the spillover damage of an Iraqi meltdown.
- On the SOFA, the President can accept the parameters agreed to by his predecessor, or negotiate changes on the margins, or reject the whole thing and start over.
- Regarding external, regional issues, he can elect to concentrate on Iraq as a singular policy problem, or build on the regional engagement that has already begun and mount a public, high-profile effort to build a viable security framework with neighbors, in particular Saudi Arabia, Kuwait, and Turkey.
- On Iran, the President can continue a combative stance, isolate Iran, and work with the EU and the UN to increase the severity of the sanctions, or shift to a policy of influence and shaping through engagement. In formulating policy towards Iraq, the new President needs to remember that Iran has strengthened its position greatly during the previous administration. It has taken serious actions against the United States in the region, to include assistance to our enemies in Iraq that has resulted in American casualties.⁹⁴

⁹⁴ The Department of Defense September 2008 Report to Congress, *Measuring Stability and Security in Iraq*, states: "Malign Iranian influence continues to pose the most significant threat to long-term stability in Iraq."

Conclusion. As the foregoing analysis has demonstrated, the situation in Iraq is anything but straightforward, and the decisions confronting the incoming administration are far from simple. Essentially, however, the options come down to two. The first is to stay in Iraq as long and as strong as possible, working closely with Nuri al-Maliki or his Shi'a successor to build that government's legitimacy and help solidify the political gains to date, while continuing to train the ISF as the government's security bulwark when we eventually leave. The second is to prepare immediately for a responsible but determined American withdrawal beginning with combat forces over the coming 16 months, while distancing the United States from Prime Minister Maliki's sectarian politics and working to achieve a regional, multilateral security framework that contains the consequences of resurgent violence in Iraq and minimizes interference by Iraq's neighbors.

APPENDIX A

The U.S.-Iraqi Status of Forces Agreement

As approved by the Iraqi Presidential Council December 4, 2008

For over a year the U.S. and Iraqi governments have been involved in negotiations toward an agreement which would provide the legal basis of American force presence in Iraq following the expiration of UN Security Council Resolution (UNSC RES) 1790 of Dec 18, 2007. The United States has operated in Iraq under the auspices of UN mandates since the end of the Coalition Provisional Authority (CPA) in June 2004. The current resolution expires at the end of December 2008, and will not be extended. An agreement replacing the UNSC RES was finally achieved in November 2008, and signed by U.S. Ambassador to Iraq Ryan Crocker and the Iraqi Foreign Minister, Hoshiyar Zebari on November 17, 2008. The agreement addresses temporary U.S. military presence in Iraq after 31 December 2008 and the particulars of the subsequent U.S. withdrawal from the country. The agreement is a formal Status of Forces Agreement (SOFA), and as such is an executive agreement between the two governments. The agreement was ratified by the Iraqi Council of Representatives on November 27, 2008, and was in fact accompanied by a Strategic Framework Agreement covering the long-term relationship between Iraq and the United States.⁹⁵ The SOFA agreement was approved by Iraq's Presidential Council in the first week of December. The countries' two leaders signed the pact in Baghdad on December 14, 2008.⁹⁶

An initial draft of the agreement was released on October 13, 2008, ushering in a contentious debate over the details.⁹⁷ Many of the particulars in that draft were altered subsequently through additional negotiation prior to its ratification at the end of November. From the U.S. perspective it is important to understand that this is an executive agreement, not a formal treaty, and as such it does not require the consent of the United States Congress.⁹⁸ A SOFA is normally considered a peacetime document,

⁹⁵ The SFA is by design general in terms of its provisions and has no articles pertaining to implementation.

⁹⁶ Prime Minister Maliki has promised to subject the agreement to a national referendum in July 2009, a move which technically could still force the government to cancel the pact.

⁹⁷ The issues came down to a newly confident Iraqi prime minister making demands on the U.S. in the areas of criminal jurisdiction, immunities, and the withdrawal schedule at a time when fears of ceding too much authority to the Iraqi forces competed with the Bush administration's imperative to reach some agreement before the end of the year. See Jeffrey Fleishman, "U.S., Iraq 'Very Close' on Troop Pact," *Los Angeles Times*, October 8, 2008.

⁹⁸ An executive agreement is a pact or understanding reached with a foreign government by the president or his representative. Such a pact may be oral or written, the key attribute being exclusion from the requirement applicable to formal treaties that they are subject to the advice and consent of the Senate. Executive agreements are neither new in American politics nor are they rare, with some 200 entered into each year in modern times with varying degrees of importance. There is controversy associated with this exercise of executive privilege by the president, and in point of fact most of these agreements have some

not intended to address the rules or laws of armed conflict. An important provision of all SOFA agreements is an explanation of the extent to which domestic civil and criminal laws pertain to United States citizens present in the host nation.

Important provisions in the approved SOFA:

- The U.S. remains in Iraq to assist the government keep peace and stability to include cooperation in operations against al-Qaeda and other outlaw groups and the remnants of the former regime.
- U.S. assistance is expressly described as “temporary”.
- Military operations will be conducted “with the approval of the Iraqi government and with full coordination with Iraqi authorities.” The plan is to establish a joint mobile operations command center (JMOCC) as a ‘clearing house’ for all combat operations except in cases of immediate self-defense.
- The JMOCC will be established by a Joint Ministerial Committee whose responsibility it will be to orchestrate the overall implementation of the SOFA.
- Air traffic control and surveillance will be handed over to the Iraqi authorities on 1 January 2009. (Obviously the Iraqis are not ready for full control of their airspace, and the agreement stipulates that Iraq has the right to ask for temporary support from the U.S. in this regard.)
- Importantly the U.S. retains primary legal jurisdiction over its armed forces to include DoD civilians posted to Iraq. U.S. jurisdiction remains in effect whenever troops are inside U.S. occupied installations and outside those bases while carrying out their duties. Iraq has the primary jurisdiction over U.S. military and DoD civilians regarding major and premeditated crimes when such crimes are committed outside installations and off duty.
- U.S. jurisdiction does not apply to civilian contractors who fall under Iraqi jurisdiction at all times.
- The provisions dealing with jurisdiction will be reviewed every six months and amendments suggested as the security situation changes and levels of combat engagement change.
- The U.S. and Iraq will continue their efforts to enhance Iraq’s security capabilities, which include training, provision, support, supply, and building and updating logistics systems for the Iraqi security forces.
- Detainees taken into custody by U.S. forces during approved operations will be handed over to the Iraqi authorities within 24 hours of apprehension.
- The U.S. will provide information on all detainees now in U.S. custody and the Iraqi authorities will issue arrest warrants for those they want surrendered. The remainder of those now held by the U.S. will be released “in an organized and secure way.” (The ~17,000 Iraqi prisoners detained by the U.S. at Bucca is the

congressional authorization, either before being signed, or as ratification after the fact. For details see, DeConde, Alexander, *Presidential Machismo: Executive Authority, Military Intervention, and Foreign Relations*. (Boston: Northeastern University Press, 2000).

obvious concern here, in particular the fact that several thousand of these are considered by U.S. authorities to be too dangerous to release from custody.)

- The two sides have mutually agreed that all U.S. forces shall withdraw from Iraqi territories no later than December 31, 2011.
- Additionally, U.S. combat forces will withdraw from all cities, towns, and villages into installations as determined by the JMOCC as Iraqi forces relieve them of security responsibilities, but no later than June 30, 2009.
- As U.S. forces are withdrawn from urban areas they will be concentrated in an agreed upon number of installations outside population centers. (Note; as of the end of August 2008 Multi National Force-Iraq (MNF-I) occupied 57 bases of any size, described as either Contingency Operating Bases (COB) or Sites (COS), and another 250 lesser “locations”).⁹⁹
- The Iraqi government may ask for the immediate removal of all U.S. forces at any time, and likewise the U.S. may elect to withdraw its forces at any time.
- It is not permitted by this agreement for the U.S. to use Iraq as a launching pad for attacks against any other country.
- When the agreement comes into effect the Iraqi government will take over complete responsibility for the security of the Green Zone, the heavily guarded facility in the center of Baghdad housing the coalition military headquarters and the Iraqi government offices.
- The agreement is valid for three years unless terminated by either the U.S. or Iraq, in which case one year’s notice is required before termination is effective.

Implications of the SOFA

There are paragraphs in the agreement making it clear that the Iraqi government has formally elected not to request an extension of UNSCR 1790, the UN resolution under which coalition forces are now operating in Iraq. The expiration of resolution 1790 means any country with forces in Iraq will be required to negotiate bilateral agreements for extensions past January 1, 2009, something that may have an impact on U.S. operations. This has already manifested itself in the British decision to leave Iraq by the end of May 2009. Iraq also wants relief from the implications of UNSCR 661 passed in 1990 just prior to the first Gulf War. That resolution states that Iraq poses a danger to international peace and stability, which in light of the termination of the former regime in Baghdad some argue should now be null and void. In this action the Iraqi government desires the assistance of the United States. There are also clauses about the United States helping Iraq secure debt relief for loans made by the previous regime, as well as help with the compensation claims made on the Saddam government, some of which were imposed by the UN. These areas of Iraqi interaction with the UN point to possible sources of continued U.S. leverage during the coming drawdown period.

⁹⁹ The numbers are from the DoD September 2008 Report to the Congress. Note that Falluja, the headquarters of the Marines in the western sector, is listed as a COS, or site, which means the Bases are much bigger, such as the large installation at the international airport, Camp Victory or the sprawling airfield at Balad.

The defense of Iraq. In the article addressing “deterrence and security dangers” both parties agree to strengthen Iraq’s political and military abilities to enable Iraq to deter the dangers that threaten Iraqi sovereignty, political independence, the unity of its land, and its “democratic federal constitutional system.” In that regard, the article goes on, if there are threats or foreign attacks against Iraq the government of Iraq can request help from the United States and after agreement, the United States “undertakes the appropriate measures” including military actions to deal with the threat. The wording in the agreement comes close to obligating the United States as guarantor of Iraqi sovereignty. The implication here is that the United States assumes the protection of Iraq (from internal as well as external threats) to be a vital national security issue. One issue needing resolution is whether that guarantee is only intended to be in force for the three year life of the SOFA agreement. There are obvious implications in that it seems unlikely the Iraqi Security Forces will be ready to defend their national borders against aggression by the end of this SOFA.

Legal authorities. The legal jurisdiction clause in the SOFA appears to provide adequate protections to U.S. forces engaged in combat. U.S. forces will be subject to Iraqi jurisdiction only for serious offenses, and then only when off base and not on duty. The agreement appears to mandate that civilian contractors fall under Iraqi jurisdiction at all times, which might well constrain the use of armed security personnel, and might ultimately put more of a burden on U.S. uniformed forces. With regard to combat operations requiring the “full approval of the Iraqi authorities,” this is probably workable provided the C2 arrangements in the JMOCC are flexible and secure enough. Most problems in clearing combat operations with the Iraqis are likely to arise in SOF operations, which are by nature clandestine and not subject to advance notice.

The detainee issue needs clarification. The United States holds several thousand Iraqis at the Bucca facility. Releasing them as warranted has been the U.S. policy all along, however it is a slow and deliberate process of vetting and careful screening. Turning them over to Iraqi authorities based on warrants may raise some concerns, especially for those extremists the U.S. authorities have determined are too dangerous to be released. Also, the SOF operation is dependent for its success on lengthy interrogations of apprehended operatives, and relinquishing these potential extremists to Iraqi authorities within 24 hours of capture makes that impossible.

Training the ISF. There are questions in the area of training of the Iraqi Security Forces (ISF). In the draft agreement released in October 2008 there was a clause calling for the continuation of “mutual collaboration in training” specifying that the U.S. was to continue supplying and arming the ISF with the implication that such a role might continue after the termination of the U.S. combat presence. There is nothing in the agreement as now written to allow for a specific training mission and certainly not one that extends beyond the three year deadline for U.S. departure. The departure clause is clear; all U.S. forces to be gone by the end of 2011.

There is a clause confirming that the two parties agree to continue their “strong cooperation” to strengthen and maintain the military. The clause states the United States

will supply and arm the ISF for the prevention of local and international terrorism and outlaw groups. There is nothing about preparing the ISF for defense of the state of Iraq from external aggression. The timetable for U.S. withdrawal is divorced from any assurance that by the time the last U.S. soldier crosses into Kuwait the ISF will be adequate to the security needs of the country absent the American force presence. In other words, there is nothing conditions-based about this agreement. Another point is that the United States is currently training a COIN force in Iraq. Given the end of all U.S. presence stipulated in the agreement, should the U.S. begin now training the Iraqi army to defend Iraq's borders once the three-year guarantee expires?

Support for the agreement. Although support was strong among the members of the Iraqi parliament who showed up for the vote on the agreement, the total of 149 favorable votes out of 275 members reflects only a slim majority and there is some concern that the agreement does not have the full support of the Iraqi people.¹⁰⁰ Cautions have been voiced by Iraq experts who feel strongly that a bilateral agreement between the United States as essentially an occupying power and the government of Iraq will by definition be illegitimate in the eyes of most Iraqis.¹⁰¹ There is no question the agreement marks a definitive change in the vector of U.S.-Iraqi relations. In the words of Iraqi deputy prime minister, Barham Salih;

"I think we are entering a new phase as a whole. The end of an era – of Iraqi political dynamics taking over and coinciding with the end of the Bush administration – and the end of an era with the UN Security Council resolutions and the bringing in of the Status of Forces Agreement."¹⁰²

We should note that by all accounts the United States had to lobby hard for Iraqi acceptance of the agreement. In pushing for the SOFA U.S. officials warned of a lack of foreign investment and the interruption of American economic and technical assistance if the agreement was not signed.¹⁰³ So insistent did the U.S. side become that Prime Minister Maliki was quoted by the New York Times as feeling "blackmailed" on the SOFA agreement.¹⁰⁴ Clearly the document was turned into a cause célèbre in the

¹⁰⁰ Only 189 delegates showed up for the November vote, with many staying away out of fear they would appear unpatriotic by supporting continued American occupation. The entire Sadr bloc of 30 seats voted no on the measure. See the Online Asia Times, November 28, 2008 at <www.atimes.com>; <http://www.atimes.com/atimes/Middle_East/JL02Ak01.html>

¹⁰¹ Yahia Said, *Political Dynamics in Iraq within the Context of the Surge*, Hearing before the Senate Foreign Relations Committee, April 2, 2008. This point was made to the author by a number of regional experts during discussion in London during the research phase of this project, in particular the nationalism of the ordinary Iraqi was stressed by Toby Dodge of IISS, and by Andrew North, BBC correspondent in Iraq from 2005 through 2007, who also felt the average Iraqi identified too much with the country to ever allow a tripartite splitting into three autonomous entities as has been suggested by some.

¹⁰² Another senior Iraqi official was even more direct, saying; "I think there is wide recognition that the role of the United States – the leverage of the United States – has diminished and will diminish further." See, the *Christian Science Monitor* on line December 1, 2008, at; <<http://www.csmonitor.com/2008/1202/p06s01-wome.html>>

¹⁰³ See Suadad al-Salhy, "Iraq And U.S. Confer On Iraq Economy," *New York Times*, November 2, 2008, pg. 20.

¹⁰⁴ Ibid.

fractious game of Iraqi politics, with few Iraqi politicians willing to endorse anything that might be construed as foreign occupation. It was during this period that the Iraqi side added stipulations to the agreement to get it passed the larger legislature, in particular the language making it impossible for U.S. forces to remain after the end of 2011, and proscriptions against use of Iraq by American forces for incursions into neighboring countries.¹⁰⁵

Out of the cities. The dynamics on the ground will require careful attention by U.S. military leadership in Baghdad in light of the provisions of the agreement. The requirement to bring U.S. forces out of the cities and restrict them to fixed cantonments is at odds with the current posture of the troops forward in joint security stations in the critical neighborhoods where so much of the inter-sectarian violence took place in 2006 and 2007. The whole purpose of maintaining a robust U.S. force presence during this lull in the fighting is to influence critical flashpoints across Iraq. In this regard there are bound to be places where American troops, visible and present in populated areas, are essential to keeping the peace. How the repositioning of U.S. forces out of the urban areas into fixed cantonments will affect the ability to keep strong tactical over-watch on the ground is an issue. It seems clear that one of the key success factors has been and continues to be U.S. troops partnered with Iraqi security forces deployed in the streets, visible to the citizens of Iraq. Or, as General Petraeus was quoted as saying last July, "The only way to secure a population is to live with it – you can't commute to this fight."¹⁰⁶

A further question this raises is, does moving the American military out of populated areas into fixed bases imply that U.S. forces will then by definition have transitioned to strategic over-watch? For one thing, that is ahead of the schedule presented by Gen Petraeus to the Congress in his April 2008 testimony. As a practical matter as well, there are some U.S. occupied facilities that are themselves in the midst of urban areas such as Camp Victory east of the international airport.

As an aside on the garrison issue, at the point U.S. forces move into fixed bases we need to structure ourselves for rapid support to the ISF since they will still be engaged, in the cities, continuing the security work we helped them accomplish during the surge in 2007 and 2008. One question is the extent to which U.S. forces will remain embedded with the Iraqi Army and police after we are out of the cities. Do the individual advisors with Iraqi divisions, for instance, also leave those posts and come back to the bases? The whole move to cantonments is a tricky affair, leaving the fundamental American strategy of "clear and hold" at risk to the extent the Iraqis are not ready for taking the lead in the "build" phase while the U.S. moves into strategic over-watch.¹⁰⁷ Also, it is hard to understand how the influence of large numbers of American troops can be felt at the

¹⁰⁵ On Sunday 26 October U.S. forces reportedly conducted a raid against a facility inside Syria used for introducing foreign fighters into Iraq. See Eric Schmitt, "Officials Say U.S. Killed An Iraqi In Raid In Syria," *The New York Times*, October 28, 2008, pg. 1.

¹⁰⁶ General Petraeus interview by Charles Gibson for *World News*, ABC, July 28, 2008.

¹⁰⁷ In point of fact, it's hard to imagine the United States largely confined to a set of fixed bases in Iraq, but still having as many as 60,000 to 70,000 troops in the country two years from now.

potential violence flash points if we are bottled up in fixed bases. In fact, the only way it will work is if Iraq's security forces are in fact ready to carry the load themselves, which accelerates the timeline even beyond the president-elect's stated intent to bring American combat forces out of the country within 16 months of his taking office.

Departure timelines confirmed. The agreement is valid for three years unless terminated earlier. In the earlier version released in October there was a clause to the effect that the government of Iraq had the option of requesting an extension on the three year deadline for U.S. withdrawal. That clause has been removed from the pact as finally approved. This means unless the United States elects to move the final date up, or either side terminates entirely, the end date for American combat presence will in fact be December 2011. As noted above, the agreement can be cancelled by either side at will, however the final article stipulates that unilateral termination requires a written notice given one year in advance.¹⁰⁸

The prevailing assumption by the current administration is that the agreement doesn't require airing before the U.S. Congress. On the face of it, the precedent certainly exists for agreements of this sort to escape the senate's oversight. Assuming the SOFA has gone into effect in January 2009 without the consent of the U.S. Congress to what extent is the incoming president bound by the agreement? For instance, if President Obama decides to terminate the agreement, are the provisions therein still in force for the ensuing year? If President Obama elects to withdraw U.S. combat forces in the first 16 months after January 2009, can he do that without terminating this agreement? Or, conversely, is he required to conduct his departure under the stipulations of the SOFA, meaning for instance all U.S. forces would have to be sequestered into fixed bases by July 2009 while at the same time undertaking a significant logistics effort in preparing to depart entirely by June 2009?

¹⁰⁸ This is an unusual clause and it may have been added in recognition of the logistics involved in U.S. withdrawal. As a practical matter it serves as another way of restricting the options of the incoming administration.

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